



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2128 of 2022

MARIYA ALEXENDAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.31/2022)

[RESPONDENT]

For Petitioner : M/S.K.SUTHAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 5(1) r/w Sections 6 and 16 r/w Section 17 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.31 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that under the guise of marriage, the petitioner had physical intercourse with the defacto complainant, who is aged about 15 years and also threatened her, if she discloses the same to any one. Hence, the complaint has been registered by the respondent Police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the alleged occurrence narrated in the complaint had happened only with the consent of the defacto complainant. Further, the alleged occurrence had happened on 15.08.2020 and the defacto complainant lodged a complaint only on 19.01.2022. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent Police by filing counter raised objections stating that the investigation is pending. However, he admits in the complaint as well as in the 164 Cr.P.C statement, the defacto complainant narrated that the occurrence and everything had happened with her consent. However, he opposed for grant of anticipatory bail to the petitioner.

5. Submissions made by the learned counsels appearing on the either sides are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Section 5(1) r/w Sections 6 and 16 r/w Section 17 of the Protection of Child from Sexual Offences Act, 2012. Admittedly, the petitioner and the victim girl are neighbours. They fell in love and later due to the intervention of the family members, the same was broken up and as a result of which the present case has been registered. In otherwise, the alleged occurrence had happened with the consent of the defacto complainant.

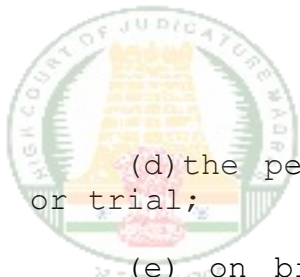
7. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Fast Track Mahila Court, Krishnagiri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Madurai and report before the Anna Nagar Police Station daily at 10.00 a.m., until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT,
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
ANNA NAGAR POLICE STATION,
MADURAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.SUTHAN Advocate on payment of necessary charges
SR.No.2482

CRL OP.2128/2022

Date :17/02/2022

CSK 23/02/2022