



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.2073 of 2022

Johnson

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
W-29, All Women Police Station,
Avadi, Chennai.
(Crime No.17 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.17 of 2021, on the file of the respondent Police.

For Petitioner : Mr.V.Balu

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offence under Sections 9(m), 9(n) and 10 of the Protection of Child from Sexual Offences Act, 2012, in Cr.No.17 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was matrimonial dispute between the petitioner and his wife for a very long time and right from the marriage in the year 2009, the petitioner's wife has been constantly creating troubles to the petitioner by way of lodging various complaints to demand the petitioner to surrender for her attitude and to separate him from his family members. Hence the complaint.

3.The learned counsel appearing for the petitioner submits that the petition for divorce was filed by the petitioner and after undertaking given by the defacto complainant, the same was compromised before the Lok Adalat and even after that, the petitioner's wife had developed illicit intimacy with another person and keeps on forcing



the petitioner to remain silent and she has also given birth to an illegitimate child and the parentage of the child has been challenged by the petitioner by way of filing another divorce petition and the same is pending. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the investigation is almost completed and section 164 Cr.P.C. statement was recorded.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Special Judge for POCSO Cases, Tiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed 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 report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(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 has 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/-

01/02/2022

WEB COPY

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 SPECIAL JUDGE FOR POCSO
CASES, TIRUVALLUR.

2 THE INSPECTOR OF POLICE
W-29, ALL WOMEN POLICE STATION,
AVADI, CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.V.BALU Advocate on payment of necessary charges
SR.NO.1712

CRL OP.2073/2022

Date :01/02/2022

INBA~07/02/2022