



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.2965 of 2022

Anbu

...Petitioner

Vs.

The State rep. By
The Inspector of Police
Chetpet Police Station,
Thiruvannamalai District.
(Crime No.908 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, 1973 praying to enlarge the petitioner on bail in Crime No.908 of 2021 on the file of the Inspector of Police, Chetpet Police Station, Thiruvannamalai District

For Petitioner : Mr.R.Muthukumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

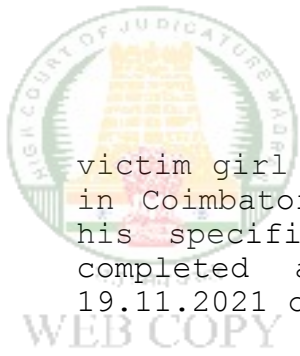
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.11.2021 for the offences under 366 of IPC later altered into sections 366, 363, 376(3) of IPC and Section 4 of POCSO Act, 2012 in Crime No.908 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter studying 12th standard had love affair with the petitioner and on 24.10.2021 they left their respective house and the defacto complainant had wordy quarrel with the family members of the petitioner and he lodged the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to love affair, both



victim girl and the petitioner eloped and while at that time they are in Coimbatore bus stand, the respondent police secured them. It is his specific submission that the investigation in this case had completed and the petitioner is under judicial custody from 19.11.2021 onwards. Hence, he prays for bail.

4. M/s.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection that the offence committed by the petitioner is serious in nature. However, she admits that as of now, the investigation has been completed and charge sheet has also been presented before the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai

5. The submissions made by the learned Counsel on either side are considered.

6. The averments found in the first information report shows that the petitioner and the victim child are the lovers. During the relevant point of time, both of them after deciding each other, eloped from their respective family. Now after arresting the accused, medical examination completed and final report has also been filed. Therefore, further custody of the petitioner is not necessary and accordingly taking note of all the above said aspects in to consideration, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is ordered to be released on bail to 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 Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai**

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the Special Court for Exclusive Trial of Cases under POCSO Act, Thiruvannamalai daily at 10.00 a.m. until further orders.

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

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action



WEB COPY

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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/02/2022

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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHETPUT POLICE STATION ,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S R. MUTHUKUMAR Advocate on payment of necessary
charges SR.NO.2226

CRL OP.2965/2022

Date :11/02/2022

TA-11/02/2022