



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

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

Cr1.O.P.No.5181 of 2022

R.Theenadhayalan

... Petitioner

Vs.

The State rep. by the
The Sub Inspector of Police,
All Women Police Station,
Mayiladuthurai (District).
(Crime No.33 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on anticipatory bail in Crime No.33
of 2021 on the file of the respondent police.

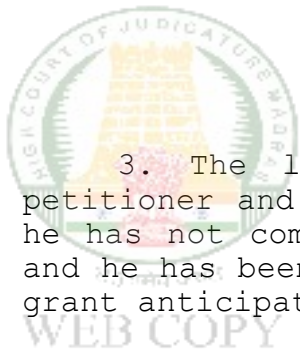
For Petitioner : Mr.B.Balamurugan

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 6 r/w 5(j) (ii) of POCSO Act, in Crime No.33 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the minor victim girl loved each other and the victim girl eloped with the petitioner and had physical intercourse, due to which, she became pregnant. In the meantime, the victim girl went for medical checkup, she was referred to child welfare committee. Based on the complaint lodged by the child welfare committee, the law enforcing agency registered a case against the petitioner.



3. The learned counsel for the petitioner submits that the petitioner and the victim girl had a love affair with each other and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) on instructions submits that the victim is aged about 15 years and she is in the family way and the statement under Section 164 Cr.P.C has been recorded and the investigation almost completed.

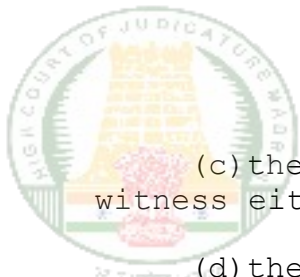
5. During the time of argument, the mother of the victim girl as well as the petitioner's parents appeared before this Court along with their counsels. At the time of an enquiry, mother of the victim girl submits that now her daughter is aged about 15 years and she is in family way on seven months and stated that when the victim girl after attaining majority, she is ready to conduct the marriage between the petitioner and her daughter. On the other side, the parents of the petitioner also agreed to arrange marriage for his son with the victim girl, to that effect, both the parents have filed an undertaking affidavit before this Court.

6. Considering the facts and circumstances of the case and the submissions made by both counsel and also in view of the undertaking given by parents of the petitioner and the mother of the minor victim girl that after the minor victim girl attaining majority, they will perform marriage with the petitioner and the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Sirkali, 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 on every Wednesday at 10.30 a.m for a period of six months;



(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/-
25/03/2022

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 JUDICIAL MAGISTRATE,
SIRKALI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.B.BALAMURUGAN Advocate on payment of necessary charges SR.NO.4648

CRL OP.5181/2022

Date :25/03/2022

JPA 29/03/2022