



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Tenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5571 of 2022

E.SELVARAJ

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
WASHERMENPET,  
CHENNAI  
(CRIME NO.15 OF 2021)

[ RESPONDENT ]

For Petitioner : M/S M.PRAKASH Advocate

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

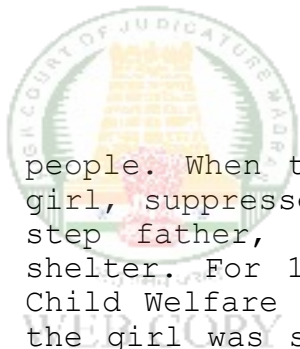
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner herein who is the founder of NGO viz., M/s Love Foundation, is arrayed as an accused for the alleged offences under Sections 6, 17, 21(1) of Protection of Child from Sexual Offences Act, 2012 and 506(1) of IPC, in Crime No.15 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The overtact attributed to this petitioner is that the victim girl aged 18 years was in-flagrante-delicto by her step father. On knowing that, the mother of the victim in consultation with one Pastor Samuvel Sathish had left the victim girl to the custody of this petitioner, who is running a shelter home for destitute, for giving shelter to the sexually abused victim and thereby penalizing the offence and the petitioner is arrayed as one of the accused.

3. The learned counsel for the petitioner states that the petitioner is an innocent person doing social service to the needy



people. When the mother of the victim wanted shelter to the victim girl, suppressed that she is minor and impregnated illegally by her step father, on humanitarian ground, the petitioner had provided shelter. For 15 days the victim girl was in shelter home. When the Child Welfare Committee members came for inspection, they found that the girl was staying in the home without prior information or order from the Child Welfare Committee. He further states that the said Pastor Samuvel Sathish brought the victim girl and he declared her age was 18 years and therefore carried by the declaration given by the said Samuvel Sathish, the petitioner herein admitted the girl.

4. Considering the plausibility of the defence taken by the petitioner and the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Hon'ble Special Court for POC SO, Exclusive Trial Court, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand Only), with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand canceled 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 Investigating Officer, as and when required.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

WEB COPY

-sd/-  
10/03/2022

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 SPECIAL COURT FOR  
POCSO EXCLUSIVE TRIAL COURT, CHENNAI.

2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
WASHERMENPET, CHENNAI

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S M.PRAKASH Advocate on payment of necessary charges  
SR.NO.3731

CRL OP.5571/2022

Date :10/03/2022

JPA 16/03/2022