



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7454 of 2022

P.RAMJISAKPAL

[PETITIONER / ACCUSED]

Vs

**(*)THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUKKOVILUR.
KALLAKURUCHI DISTRICT.
CRIME No.24 of 2021**

[RESPONDENT]

For Petitioner : M/S.G.SARAVANABHAVAN Advocate

For Respondent : M/S.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 Sections 366, 342 of IPC and 5(I), 5(J)(ii) and Section 6 of POCSO Act r/w 9 of Prohibition of Child Marriage Act 2006, in Crime No.24 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl loved each other. With the consent of the defacto complainant's daughter, who is the victim minor girl aged about 16 years, had sexual intercourse with him and thereby she became pregnant. After five months, she felt pain in the stomach and went to the Government Hospital. After check up, she was told that the baby died in the womb itself. Hence, the defacto complainant preferred a complaint.



3. The learned Government Advocate (Crl.Side) submits that the victim girl has been secured and the statement of the victim girl has been recorded under Section 164 of Cr.P.C. by the learned Magistrate and further major part of the investigation has already been completed.

4. Considering the facts and circumstances of the case and also considering that the investigation is almost completed and Section 164 statement of the victim girl has also been recorded, this Court is inclined to grant anticipatory bail to the petitioner.

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 Learned Special Court for POCSO Cases, Villupuram, 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the Investigating Officer as and when required for interrogation.

(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.

WEB COPY

-sd/-

31/03/2022

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.

[*] Amended as per order of this Court dated 27/04/2022 made in CRL.MP.NO.5735 OF 2022 IN CRL.O.P.N.7454 OF 2022.

TO

1 THE SPECIAL COURT FOR
POCSO CASES, VILLUPURAM.

**(*)2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUKKOVILUR.
KALLAKURUCHI DISTRICT.**

3 THE INSPECTOR OF POLICE,
THIRUKKOVILUR POLICE STATION,
KALLAKURUCHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.SARAVANABHAVAN Advocate on payment of necessary charges SR.NO.6460

CRL OP.7454/2022

Date :31/03/2022

RW 05/04/2022

TA-09/05/2022