



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7663 of 2022

AJITHKUMAR @ AJITH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR,
CHENGALPATTU,
CR.NO.1 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.SONIA GLORY, Advocate for
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 herein, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 376(3), 376(2)(n), 506(i) of IPC r/w. 4(2) and 6(1) of POCSO Act, in Crime No. 1 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein is a street artist, who was falling love with the minor girl aged 15 years and married her without knowing the consequence. When the girl was admitted in the hospital for delivery, the hospital authority found that the girl is minor. Hence a case has been registered.



3. The learned counsel for the petitioner states that the victim girl has a baby girl and the petitioner herein is taking care of the mother and the child.

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4. Due to his social background, the petitioner is not aware of the legal consequences in marrying a minor girl. However there is no intention of cheating her and there is no culpable mental state for committing any penetrating sexual offence.

5. Taking note of the above facts that the petitioner is taking care of the victim girl and child and having admitted his involvement, custodial interrogation of this petitioner is not required, hence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Chengalpattu on condition that the petitioner shall execute a separate 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the Investigating Officer as and when required;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

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-sd/-
04/04/2022

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 CASES, CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR, CHENGALPATTU.

+1 CC to M/S. G. SARAVANABHAVAN Advocate on payment of necessary charges SR.NO. 5221

CRL OP.7663/2022

Date : 04/04/2022

RW 08/04/2022