



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11095 of 2022

GOKUL @ GOKARATHINAM

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
MELMARUVATHUR,  
CHENGALPATTU DISTRICT.  
(CR.NO.04 OF 2022)

[ RESPONDENT ]

For Petitioner : M/S.S.MADHUSUDANAN Advocate

For Respondent : M/S.S.SUGENDRAN, Additional Public Prosecutor

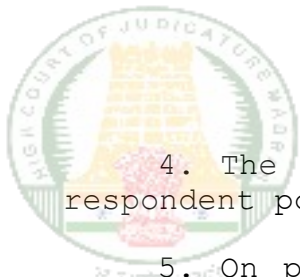
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under sections 341, 506(i), 109 of IPC r/w Section 11(1), 12 of POCSO Act, in Crime No.04 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, on 31.03.2022 when the victim girl was returned from the college, A1 and the petitioner had waylaid the victim girl and forced her to love him/A1 and she refused the same. Thereafter, A1 threatened her to upload her photos in Facebook. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation almost completed.

5. On perusal of the records, the petitioner is being the Auto driver. There is no specific overtact attributed against this petitioner and the accused alone captured the picture and threatened the victim girl.

6. Considering the above facts, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for POCSO Act, Chengalpattu on condition that the petitioner shall execute own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), 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 report before respondent police as and when required for interrogation;**

(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 is 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/-

12/05/2022

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 ACT,  
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
MELMARUVATHUR,  
CHENGALPATTU DISTRICT.

+1 CC to M/S.S.MADHUSUDANAN Advocate on payment of necessary charges SR.NO.7106

CRL OP.11095/2022

Date :12/05/2022

TA-17/05/2022