



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12208 of 2022

K.YOKESHWARAN @ YOGI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET, SALEM CITY, SALEM.
CRIME NO.20/2022.

[RESPONDENT]

For Petitioner : M/S.N.VIJAYA BASKER, Advocate

For Respondent : M/S.C.E.PRATAP, 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 at the hands of the respondent police for the offences punishable under Sections 75 and 77 of Juvenile Justice Act and Sections 11 and 12 of the Protection of Children from Sexual Offences (POCSO) Act and read with Section 506 (ii) of IPC in Crime No.20 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the husband of A1, got married on 05.12.2011. Out of the said marriage, a female child was born to them. The defacto complainant lodged a complaint with the respondent police that the second accused person joined as worker in his hotel, later on, he developed illegal intimacy with his wife, who is arrayed as A1. The accused 1 & 2 have abused and assaulted with his minor daughter on 06.06.2021. Hence, the complaint. The victim's father had filed a divorce petition in HMOP No.890 of 2021 before the Family Court, Coimbatore, obtained an ex-parte decree on 23.12.2021, using the same, lodged a complaint with Salem Police. Later, the victim, who was residing with her mother, who is the accused in this case, was forcibly taken by the police and



handed over to her father Sakthivel, defacto complainant. The petitioner has been arrayed as second respondent in the divorce petition on the ground of adultery. Now using the victim girl, projecting a false case as though the petitioner and the victim girls mother had committed the above offences.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate would submit that based on the complaint, an FIR has been registered. The defacto complainant's daughter has been produced before the Court below and the statement of 164(5) Cr.P.C has been recorded, in which, she has narrated about the illicit relationship of her mother with A2 and nothing more. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 fifteen days from the date on which the order copy made ready, before the Special District Judge, POCSO Court, Salem District, 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 Magistrate 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 daily at 10.30 a.m. for a period of four weeks and thereafter 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2022

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 DISTRICT JUDGE,
POCSO COURT, SALEM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMMAPET,
SALEM CITY, SALEM.

+1 CC to M/S.LAW VISION Advocate on payment of necessary charges
SR.NO.8065

CRL OP.12208/2022

Date :26/05/2022

TA-03/06/2022