



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14536 of 2022

SANGADI NARASIMHA RAJU

[PETITIONER / ACCUSED]

Vs

THE UNION TERRITORY REP BY
THE STATION HOUSE OFFICER,
YANAM POLICE STATION,
YANAM.
CRIME NO.53 OF 2022

[RESPONDENT]

For Petitioner : M/S. V.S.SENTHILKUMAR Advocate

For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry

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 8 & 12 of the POCSO Act, Section 506(ii) of IPC and Section 67 of the Information Technology Act, in Crime No.53 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the due to the misunderstanding between the victim girl's parents, they were separated and the victim girl is residing with her mother. It is alleged that the petitioner developed intimacy with the victim girl's mother and utilizing the said situations, the petitioner harassed the victim girl by sending sexual obscene content to her cell phone and also threatened her to have sexual relationship. Since the victim mother did not take any action, the victim girl contacted the Child Line and lodged the present complaint.



3. The learned counsel appearing for the petitioner would submit that there was a misunderstanding between the petitioner and the victim girl's family as such, the victim girl's father had developed personal vengeance as against the petitioner. Therefore, the false complaint has been foisted as against the petitioner pertaining to the sexual offence as against the child. He further submitted that the petitioner is ready to file an undertaking affidavit that hereafter, he will not indulge in the same kind of offences. Hence he prays to grant anticipatory bail to the petitioner.

4. The learned Public Prosecutor (Pondy) produced the statement recorded from the victim girl under Section 164 of Cr.P.C., and submitted that the petitioner has committed very heinous offence as against the minor victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. On perusal of the statement recorded under Section 164 Cr.P.C., revealed that the victim girl aged about 16 years and the petitioner used to send nude photographs of male and female and asked her for sexual relationship for money. Immediately she informed to her family. Except these allegations, there is no other allegations as against the petitioner. Considering the above facts and circumstances and also considering the submission made by the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall file an undertaking affidavit before the Magistrate concerned that he will not indulge in the similar kind of offence as against any of the women in future and on such filing, 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 learned Subordinate Judge-cum-Judicial Magistrate, Yanam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 file an undertaking affidavit before the Magistrate concerned that he will not indulge in the similar kind of offence as against any of the women in future. If the petitioner



failed to comply with the undertaking affidavit, the anticipatory bail granted by this Court shall automatically stands cancelled and the respondent is directed to secure the petitioner and proceed further in accordance with law.

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[c] the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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].

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

-sd/-
23/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE CUM
JUDICIAL MAGISTRATE, YANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
YANAM POLICE STATION,
YANAM.



4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

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+1 CC to M/S. V.S.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO. 9821

CRL OP.14536/2022

Date :23/06/2022

RW-27/06/2022