



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14530 of 2022

DHUYAVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI,
MAYILADUTHURAI DISTRICT.
CRIME NO.18 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M. MACHAVATHARAN Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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 366 of IPC and Sections 6,5(j) (ii) of Protection of Child from Sexual Offences Act, 2012 in Crime No.18 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is aged about 20 years fell in love with the victim girl, who is aged about 17 years and they had physical relationship, due to which, the victim girl got pregnant. Hence, the mother of the victim girl lodged a complaint before the law enforcing agency.

3. The learned counsel for the petitioner would submit that both the victim girl and the petitioner obtained majority and their marriage is yet to be registered. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit the petitioner fell in love with the victim girl and had physical intercourse with her. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Special Court For Exclusive Trial of POCSO cases, Nagapattinam 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 two 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.

[g] the petitioner shall register his marriage with the victim girl and also produce the marriage registration certificate before the respondent within a period of two weeks from the date of receipt of copy of this order, failing which the anticipatory bail granted to the petitioner shall stand cancelled.

-sd/-
24/06/2022

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
EXCLUSIVE TRIAL OF POCSO CASES,
NAGAPATTINAM

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI,
MAYILADUTHURAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M. MACHAVATHARAN Advocate on payment of necessary charges SR.NO.9885

CRL OP.14530/2022

Date :24/06/2022

JPA 29/06/2022