

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15640 of 2022

THOOMILKUMAR @ DHUMIL KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM, NAMAKKAL DISTRICT
CR.NO.06 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.KARTHIK 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 5(I), 5(j)(ii)6 of the POCSO Act in Crime No. 06 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that petitioner and the victim girl are neighbours. Both petitioner and victim girl had a love affair for the past one year. On the pretext of marriage, the petitioner and the victim girl had sexual intercourse on several occasions. On 08.05.2022, at about 10 p.m., the victim got stomach pain and admitted in the hospital. At about 12.00 a.m., she gave birth to a male child, which was born dead. Hence, the complaint.

3. The learned Additional Public Prosecutor produced the statement recorded under Section 164 of Cr.P.C. On perusal of the same, it reveals that the victim girl is aged about 17 years and on the instigation of the victim girl, the petitioner had physical relationship. Due to which she got pregnant. However at the stage of 7 months of her pregnancy, she gave birth to a child born dead.

4. However, the learned counsel for the petitioner would submit that petitioner is taking care of the victim girl and they are living together.

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 Judicial Magistrate Court, Rasipuram 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 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 register his marriage with the victim girl immediately after attainment of her majority Viz., within a period of two weeks from 26.10.2023 and produce the registration of their marriage certificate before the respondent police, failing which the respondent is directed to proceed as against the petitioner in accordance with Law.

[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/-

06/07/2022

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 JUDICIAL MAGISTRATE
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM, NAMAKKAL DISTRICT

CC to M/S.M.KARTHIK Advocate on payment of necessary charges
Sr.10815

CRL OP.15640/2022

Date :06/07/2022

RVR 12/07/2022