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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.24697 of 2021

Thanush @ Nithishwaran

... Petitioner

Vs.

State Rep. By  
The Inspector of Police,  
All Women Police Station,  
Sriperumbudhur,  
Kancheepuram District.  
[Crime No.12 of 2021]

... Respondent

**Prayer:** Criminal Original petition has been filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.12 of 2021 on the file of the respondent Police.

For Petitioner : Mr. R.Sasikumar

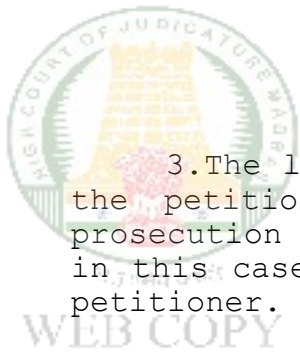
For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

### ORDER

#### **(The case has been heard through video conference)**

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 363, 365, 366, 376(1), 376(2) of IPC r/w Section 4(i) and 6(i) of protection of children sexual offences in Crime No.12 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a distance relative of the defacto complainant and had physical relationship and later refused to marry her. It is further alleged that the petitioner misusing the relationship and gave torture to the defacto complainant. Hence the complainant.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the statement under Section 164 Cr.P.C., has been recorded from the victim girl and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the investigation is almost completed, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before **the Session Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu**, 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 and on further condition that:

(a) the petitioners 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 petitioners shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders.**

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-  
07/01/2022

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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 SESSION JUDGE,  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT  
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
SRIPERUMBUDHUR,  
KANCHEEPURAM DISTRICT.

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary  
charges SR.NO.399

CRL OP.24697/2021

Date :07/01/2022

TA-21/01/2022