



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25141 of 2021

E. Manikandan

.. Petitioner

Vs.

The State represented by
The Inspector of Police
Kalasapakkam Police Station
Thiruvannamalai District.
CRIME.NO. 828 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Cr.No.828 of 2021 pending investigation on the file of the Kalasapakkam Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.B. Viswanathan

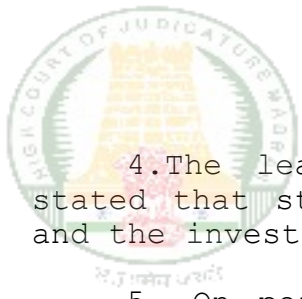
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 363, 366, 376 (2) (n) of IPC and Section 5(1) r/w Section 6 of POCSO Act, 2012 in Crime No.828 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the minor victim girl aged about 17 years eloped with the petitioner and the petitioner forcibly had sexual intercourse with the minor victim girl by giving false promise to marry her. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he further submits that the petitioner is ready and willing to marry the victim girl after she attains majority and to that effect, the petitioner has filed an undertaking affidavit. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) raised objection stated that statement under Section 164 of Cr.P.C has been recorded and the investigation almost completed.

5. On perusal of statement under Section 164 of Cr.P.C, which reveals that the victim girl on her own volition eloped with the petitioner and had sexual relationship with him without her consent. Now, the petitioner is ready and willing to marry the victim girl after she attains majority and to that effect, the petitioner has filed an undertaking affidavit.

6. Considering the facts and circumstances of the case and in view of the undertaken affidavit filed by the petitioner stating that the petitioner is ready and willing to marry the victim girl after she attains majority, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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 learned Judicial Magistrate, Kalasapakkam, 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 petitioner 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 petitioner shall report before the respondent police on Wednesday at 10.30p.m for a period of four weeks and thereafter as and when required for an interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial. Affidavit filed by the petitioner forming part of the order;

[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 has been imposed and the petitioner is 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/-

04/01/2022

WEB COPY

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,
KALASAPAKKAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.95

CRL OP.25141/2021

Date :04/01/2022

INBA-19/01/2022