



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.03.2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.473 of 2022

Lenin ...Petitioner/Petitioner/Accused Rank No.2

Vs

THE STATE REP BY,
The Inspector of Police,
Pattukottai Taluk Police Station,
Pattukottai,
Thanjavur District.

(in Crime No. 536 of 2021) ... Respondent/Respondent/Complainant

For Petitioner : Mr.V.Selvakumar, Advocate.

For Respondent : Mr.P.Kottaichamy

Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.536 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 366 IPC @ 5(i) 6 and 17 of Protection of Children from sexual offences (POCSO) Act 2012 and Section 9 of the Prohibition of Child Marriage Act 2006, in Crime No.536 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. The allegation levelled against the petitioner is that the petitioner/A2, who is the friend of A1, arranged marriage for the victim girl with A1. The victim girl was aged about 16 years at the relevant point of time.

3. This is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed, by this Court on 26.10.2021, on the ground that the statement under Section 164 Cr.P.C. was not recorded from the victim girl and the investigation is at the initial stage.



4. It is now reported that the statement has been recorded from the victim girl under Section 164 Cr.P.C. A copy of the statement recorded under Section 164 Cr.P.C. is produced before this Court.

5. A perusal of the statement recorded from the victim girl would show that there is a love affair between A1 and the victim girl and she on her own volition eloped with A1.

6. Considering the statement of the victim girl recorded under Section 164 Cr.P.C. that both of them loved each other and on her volition, she eloped with A1 and also considering the fact that the petitioner herein is the friend of A1, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed. 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 of receipt of a copy of this order, before the Special Court (POCSO), Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond either during investigation or trial;

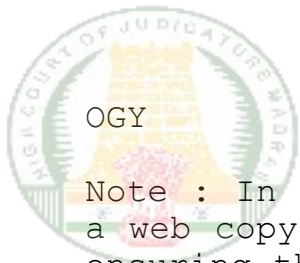
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]** and

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

sd/-
01/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



OGY

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT (POCSO), THANJAVUR.
- 2 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER
IN
CRL OP(MD) No.473 of 2022
Date :01/03/2022

PKP/VR/SAR-3/10.03.2022/3P/4C