



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5433 of 2022

WEB COPY

Sudalaimuthu

... Petitioner/Sole Accused

Vs.

State represented through
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
Crime No.6 of 2022.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.6/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 5 (n), 5(1), 5(j) (ii) and 6 of POCSO Act, in Crime No.6 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the victim were on love and they are residing in the same area, that the petitioner had physical relationship with the victim girl, who is aged about 17 years by giving a promise that he would marry her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He has also filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically stated that on the advice of both family elders, the matter was amicably settled. As per the settlement talks, the petitioner undertakes to marry the victim as per law.



4.The learned Additional Public Prosecutor appearing for the State would submit that the investigation is almost completed.

5.Considering the fact that the investigation has already been completed and also taking note of the undertaking affidavit sworn by the petitioner, wherein he has given an undertaking to marry the victim and that he will not indulge in any other criminal activities in future, 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 her arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for POCSO Act Cases, Thoothukudi, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Sessions Judge 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/04/2022

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/ /2022

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



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.

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- TO
- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
THOOTHUKUDI.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5433 of 2022
Date :05/04/2022

RS/VR/SAR.4 (12.04.2022) 3P-4C