



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

Date : 29/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6504 of 2022

WEB COPY

Vaithilingam

... Petitioner/Sole Accused

Vs.

State Rep.by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
Crime.No.8 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Prabu.M., Advocate.
For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 376 of IPC and 5(1)(j) (2) r/w.Section 6 of POCSO Act and Section 9 of Child Marriage Act, in Crime No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner had kidnapped minor victim girl and committed penetrative sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that there was a love affair between the petitioner and the victim girl. Since, it was objected by the defacto complainant, the victim came to the house of the petitioner and both of them got married. He would further submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and that the victim girl has also not supported the case of the prosecution. He would also submit that the medical examination in respect of the victim girl and the petitioner have been completed and the major part of investigation is also over.



4.The learned Additional Public Prosecutor would submit that the petitioner is aged 27 years and the victim girl is aged 17 years. He would submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the victim girl has not supported the case of the prosecution. He would further submit that the investigation is completed and also submitted that the victim girl delivered a male child on 21.03.2022.

5.Heard both side and perused the statement of the victim girl recorded under Section 164 Cr.P.C.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against this petitioner and also considering the 164 Cr.P.C statement, 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 his appearance, before the Special Court for POCSO Act Cases, Tirunelveli, and on his executing 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 learned Magistrate concerned; and the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

9.The petitioner is directed to co-operate with the process of investigation and trial. The question of custodial interrogation may not arise, during the course of investigation. If custodial interrogation is necessary, liberty is granted to the respondent police subject the petitioner under the custodial interrogation by giving intimation to the concerned Court.

sd/-

29/06/2022

/ TRUE COPY /

/07/2022

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.



TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-6304[I] dated 29/06/2022)

ORDER

IN

CRL OP(MD) No.6504 of 2022

Date :29/06/2022

RS/PN/SAR.2 (19.07.2022) 3P-5C