



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

Date : 21/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD). No.6965 of 2022

WEB COPY

Gomathishankar

... Petitioner/Sole Accused

Vs

The State Rep.by

The Inspector of Police,

All Women Police Station,

Alangulam,

Tirunelveli Presentaly Tenkasi District.

(Crime No. 9/2022).

... Respondent/Complainant

For Petitioner : M/s. Alwin Balan.P.P.,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 9 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

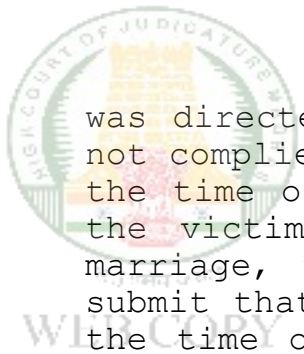
The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 376 of IPC, 6 and 5(1)(j)(ii) of Protection of Children from Sexual Offences Act, 2012, in Crime No.09 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had love affair with the victim girl who was aged about 17 years at the time of occurrence and had sexual intercourse with her for many times and make her pregnant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. However, the learned counsel for the petitioner submitted that the petitioner is fairly admits that he is the father of the child.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that as per the direction of this Court dated 29.04.2022, the petitioner did not appear before the

<https://hccs.courts.madras.gov.in/hccs/verdicts>



was directed to appear before the concerned Court and the same was not complied with by the petitioner. He would further submit that at the time of occurrence, the petitioner was aged about 20 years and the victim girl was aged about 17-1/2 years and because of the marriage, the victim girl is 6 months pregnant. He would further submit that in 164 Cr.P.C statement, the victim girl stated that at the time of marriage she informed the petitioner that she was 18 years old.

5.Considering the facts and circumstances of this case and the nature of allegation levelled against the petitioner, 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 her appearance, before the Special Court for Exclusive Trial of Cases Under POCSO Act, 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.

7.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.

8.Since the petitioner himself has admitted that he is the father of the child, the respondent police may proceed the investigation further and file a final report before the concerned Court as early as possible.

sd/-
21/06/2022

/ TRUE COPY /

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

TTA

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 EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUNELVELI

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

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-5963[I] dated 22/06/2022
)

ORDER

IN

CRL OP(MD) No.6965 of 2022

Date :21/06/2022

RD/SKN/SAR-II (30.06.2022) 3P 4C