



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

Date : 14/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17402 of 2022

Tamilselvan

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
Crime No.91 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Muthuvijayapandian P,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

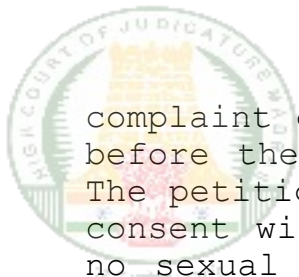
For Anticipatory Bail in Crime No.91 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366 IPC and Section 5(k) r/w 6 of POCSO Act, in Cr.No.91 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the victim girl. The victim girl is a deaf and dumb and studying 10th standard in Special School for Deaf and Dumb at Shatchiyapuram School. The petitioner herein also a deaf and dumb. He fell in love with the victim girl and on false promise that he will marry her after attaining major, he took her to Chennai. Hence, the complaint. Initially the case was registered as 'girl missing'. Thereafter, it was altered.

3.The learned counsel for the petitioner would submit that they eloped on 06.09.2022. The father of the victim girl lodged a



complaint on 07.09.2022. After a period of 3 days, she was taken before the Police Station and she refused to go with her parents. The petitioner as well as the victim girl loved each other. Only the consent with the victim girl, he took her to Chennai and there was no sexual harassment. Even in 164 statement, there is no specific overt act against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is aged about 22 years. The victim girl is aged about 15 years. Both are deaf and dumb. In 164 statement, no specific allegation has been recorded as against the petitioner and 17 witnesses have been examined. The investigation is not yet to be completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering 164 statement recorded from the victim girl and 17 witnesses have been examined, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Thiruvilliputhur, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(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/-
14/10/2022

WEB COPY

/ TRUE COPY /

/10/2022

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 JUDICIAL MAGISTRATE NO.II,
THIRUVILLIPUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17402 of 2022
Date :14/10/2022

dss
USK/SBN/SAR- /28.10.2022/3P/5C