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

Date : 07/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21601 of 2022

Sugumar

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.
(Crime No.345/2022).

... Respondent/Complainant

For Petitioner : M/s.Maya Perumal S, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

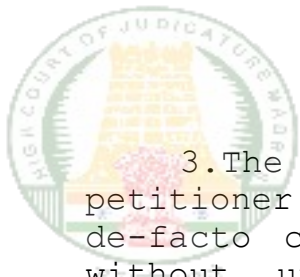
PRAYER :-

For Anticipatory Bail in Crime No.345/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 451 IPC and Sections 7, 8, 11(4) and 12 of Protection of Child From Sexual Offences Act, 2012 in Crime No.345 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Selvam, is that his minor daughter XXXX was born on 08.09.2005, who is 16 years old. Further allegation is that for the past one year, the petitioner had been stalking his daughter and compelled her to love him and that on 09.08.2022 finding that there was nobody in the house, the accused had come to her house and hugged her and also kissed her. Thereby, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is aged about 18 years and that the petitioner and the de-facto complainant are close relatives and that the petitioner without understanding the consequences under infatuation, has committed such an offence. He would further submit that the petitioner is also willing to file an affidavit of undertaking that he will not interfere in the life of the victim girl, hereinafter. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner had stalked the minor victim girl and compelled her to love him and when there was nobody in the house, the accused had come to her house and hugged and kissed her. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels and also the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, 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 on which the order copy made ready, before the learned Special Court for POCSO Act Cases, Tirunelveli, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Special Judge concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner, at the time of furnishing sureties, shall also file an affidavit of undertaking that he will not interfere in the life of the victim girl in future;

[c]the petitioner shall stay at Virudhunagar and report before the Virudhunagar Town Police Station, Virudhunagar District, daily at 10.30 a.m. until further orders; and it is made clear that the petitioner shall not enter into the jurisdiction limits of the respondent police until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Special Judge/concerned 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 Special Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

Sd/-

07/12/2022

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/12/2022

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

SJI

TO

1. THE SPECIAL JUDGE FOR POCSO
ACT CASES, TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TENKASI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIRUDHUNAGAR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MAYA PERUMAL S Advocate SR.No.14572

ORDER

IN

CRL OP (MD) No.21601 of 2022

Date : 07/12/2022