



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21972 of 2022

K.Natarajan

... Petitioner/Accused
Rank Not Known

-VS-

The State represented by
The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
(in Cr.No.495 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.495 of 2022.

For Petitioner : Mr.R.Aravind Raj
Advocate

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 5(1), 6, 16 and 17 of POCSO Act in Crime No.495 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Girija, is that her minor daughter, aged about 13 years, was found missing from her home on 19.08.2022. On the complaint given by her, a case in Cr.No.495 of 2022 was registered initially under the caption "girl missing". Later, during the course of investigation, it was found that one Abinanthan, aged about 18 years, had developed love affair with the victim girl through Instagram and he had kidnapped her and committed penetrative sexual assault on her. The allegation against the petitioner is that he has provided shelter to the victim and the accused. Hence, the complaint.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is an owner of a Garment Unit at Tiruppur. The accused, Abinanthan had come along with the victim girl and they asked for employment and the petitioner innocently believing them had given them employment, other than that, the petitioner does not know anything about the offence. He would further submit that later only after the arrest of A1, he came to know that A1 had eloped with the victim girl.

4.The learned Government Advocate (Crl.side) would submit that one Abinanthan, A1, had kidnapped the victim minor girl and had committed penetrative sexual assault on her. The allegation against the petitioner is that he has provided shelter to the victim and the accused.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. as well as the statement recorded from the victim minor girl under Section 164 Cr.P.C., 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 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 Exclusive Trial of Cases under POCSO Act, Madurai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 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 every Saturday at 10.30 am for a period of four weeks, thereafter, as and when required.

[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



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

sd/-
20/12/2022

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

CMR

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, MADURAI.
2. THE INSPECTOR OF POLICE
KEERAUTHURAI POLICE STATION,
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.ARAVIND RAJ R, Advocate (SR-15361[I] dated
22/12/2022)

ORDER
IN
CRL OP(MD) No.21972 of 2022
Date :20/12/2022

USK/MMS/SAR-I/28.12.2022/3P/5C