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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

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

CRL OP(MD). No.22826 of 2022

Santhoshkumar,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thiruvadanai,
Ramanathapuram District
(Crime No. 14 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Seeni Sulthan.M, 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. 14 of 2022 on the file of the respondent Police.

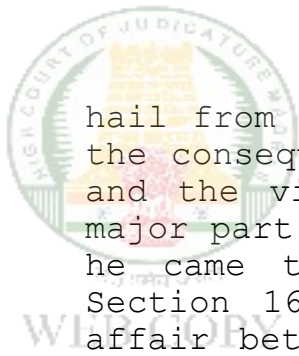
ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 5(j)(ii)r/w.Section 6 of POCSO Act in Crime No.14 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that the accused induced the minor daughter of the defacto complainant under the guise of loving and had committed repeated penetrative sexual assault, due to which she became pregnant and later it was aborted. Hence the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that both the victim and the accused

<https://www.mhc.tn.gov.in/judis>



hail from the same village and the petitioner without understanding the consequences and rigours of posco Act had committed the offence and the victim had become pregnant. He would further submit that major part of the investigation is over. He would also submit that he came to understand that the statement also recorded under Section 164 of Cr.P.C. Wherein the victim had admitted the love affair between them and the physical relationship was consensual, hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit the petitioner who is aged about 19 years had induced the minor daughter of the defacto complainant and had committed penetrative sexual assault, due to which she became pregnant and later it was aborted.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for 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 Judicial Magistrate, Thiruvadanai**, 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:

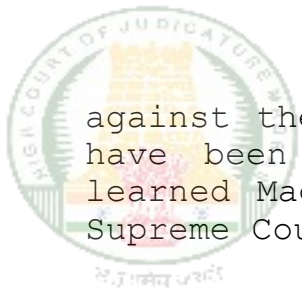
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter on every Saturday 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 petitioners 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]**.

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

sd/-
22/12/2022

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVADANAI, RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22826 of 2022
Date :22/12/2022

PKP/VR/SAR-1/03.01.2023/3P/5C