



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P (MD) No.361 of 2023

WEB COPY

Selvapandi

...Petitioner/Sole Accused

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(Cr.No.26 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.26 of 2022.

For Petitioner : Mr.S.Poornachandran, Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

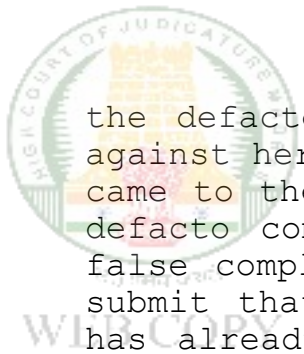
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 366 IPC and Sections 7 and 8 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.26 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 on 03.12.2022 in night hours, her 17 years old minor daughter, who was sleeping in the house, was found missing and he got information that the accused kidnapped her and had taken her to his house and when the defacto complainant rushed to his house and asked him to send back her daughter, the accused threatened him with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is aged about 20 years and he is an innocent and he has been falsely implicated in this case. He would also submit that the petitioner and the defacto complainant's daughter aged 17 years are

<https://www.mca.gov.in/judis>



the defacto complainant has arranged marriage for the victim girl against her choice thereby the victim girl eloped from her house and came to the house of the petitioner and she refused to go with the defacto complainant, thereby, the defacto complainant has given a false complaint as if the petitioner has threatened. He would also submit that major part of investigation is over and the statement has already been recorded from the victim girl under Section 164 Cr.P.C wherein the victim girl has not made any allegation of the petitioner having committed any sexual assault on her. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has kidnapped the minor victim girl from the house of the defacto complainant and when the defacto complainant requested to send his daughter, the petitioner also threatened the defacto complainant. Hence, he opposes for grant of bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and on perusing the 164 Cr.P.C. statement of the victim girl, 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 Special Court of POCSO Act Cases, Srivilliputhur, 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 two weeks and thereafter, 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 petitioner released on bail by the 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/-

12/01/2023

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

CM

TO

1 THE SPECIAL COURT OF POCSO ACT CASES,
SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.POORNACHANDRAN.S Advocate SR.No. 702(I)

ORDER

IN

CRL OP(MD) No.361 of 2023

Date :12/01/2023

VA/MMS/SAR-3/24.01.2023/3P/5C