



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P (MD) No.666 of 2023

WEB COPY

Raman

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Aruppukkottai
Virudhunagar District.
(in Cr.No.1 of 2023)

...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.1 of 2023.

For Petitioner : Mr.M.Jothi Basu

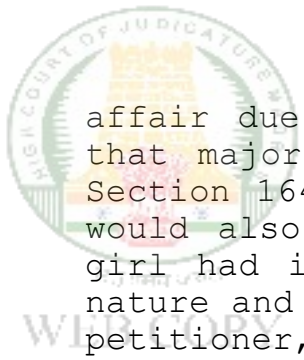
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 5(1), (j) (ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.1 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Muthumankal is that her minor daughter xxxxxx born on 23.08.2005 was studying 11th standard and she discontinued her studies. While so, she developed friendship with Raman s/o Madurai Veeran and it came to know the defacto complainant and she reprimanded her and while so her daughter told that she will not speak to him and on 06.01.2023 her daughter expressed pain and she was taken to hospital and it was found that she was pregnant and she informed that the said Raman had sexual intercourse with her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he is aged 18 years and the victim girl is aged 17 years and they are known to each other and the petitioner and the defacto complainant's daughter, without understanding the consequences and riggers of POCSO Act had sexual



affair due to which her daughter became pregnant. He would submit that major part of investigation is over and the statement under Section 164 Cr.P.C has also been recorded from the victim girl. He would also submit that the petitioner understands that the victim girl had informed the relationship between them was consensual in nature and he prays that by taking into consideration the age of the petitioner, this petition may be considered.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is aged 18 years and the victim is the minor girl aged 17 years and the petitioner had sexual intercourse with the victim girl and she became pregnant. He would also submit that investigation is pending and the statement has been recorded under Section 164 Cr.P.C. He prays for dismissal of this application.

5.Taking into consideration the facts and circumstances of the case and on perusing the 164 Cr.P.C. statements 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 (Protection of Children from Sexual Offences Act Cases) Virudhunagar District at Srivilliputtur, 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. 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]**.



CRL.O.P(MD)



23

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

sd/-
30/01/2023

/ TRUE COPY /

/02/2023

WEB COPY

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

TO

- 1 THE SPECIAL JUDGE (PROTECTION
OF CHILDREN FROM SEXUAL OFFENCES ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.JOTHI BASU, Advocate (SR-1439[I] dated 31/01/2023)

ORDER
IN
CRL OP (MD) No.666 of 2023
Date :30/01/2023

SS/ /SAR-I/04/02/2023/ 3P 5C