



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

Date : 25/01/2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.1456 of 2023

L.Ranjithkumar

...Petitioner / Sole Accused

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.
(in Cr.No.22 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.22 of 2022.

For Petitioner

: Mr.V.Selvakumar, 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(i), 5 (j)(ii) and 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.22 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the case came to be registered based on the intimation given by the Child Welfare Officer and the statement recorded from the victim girl. As per the victim girl, she was born on 02.05.2005 and has completed 12th standard. She and the accused are close relatives and they have in love affair for several years, and that they had consensual sexual intercourse with each other due to which, she became pregnant and she is eight months pregnant.

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 and the victim girl are close relatives and the victim's parents died three years ago and there was a love affair between the victim and the petitioner and without understanding the consequences and rigors of the POCSO Act, they have consensual relationship, due to which, the victim became



pregnant. He would also submit that the victim has completed 17 years and 9 months and a statement has also been recorded from the victim girl under Section 164 Cr.P.C., wherein, the petitioner understands that victim girl had admitted the consensual relationship and that the marriage was performed with her consent and therefore, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the victim girl is aged 17 years and both of the were in love affair and the accused have committed penetrative sexual assault on the victim girl due to which, the victim girl became pregnant. He would oppose for grant of anticipatory bail to the petitioner.

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 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 Special Court of POCSO, Sivagangai, 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 learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme



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

sd/-
25/01/2023

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/02/2023

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

CMR

To

- 1.The Judge,
Special Court for POCSO Act cases, Sivagangai.
- 2.Do-through the Chief Judicial Magistrate, Sivagangai.
- 3.The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.1456 of 2023
Date :25/01/2023

ED/SAR I(06.02.2023) 3P 5C