



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

Date : 12/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN  
CRL OP(MD) . No.9075 of 2023

WEB COPY

P.Sundaresan

... Petitioner / Sole Accused

Vs

State rep by  
The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City  
(Crime No. 623 of 2022).

... Respondent / Complainant

For Petitioner : M/s.Balan.P, Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 623 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 Girl Missing @ 7 and 8 of POCSO Act, 2012, in Crime No.623 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the petitioner picked up the victim girl to his house at Vaigai Karattupatti and thereafter, he tried to kiss her against her wish. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report as well as the statement recorded from the victim girl under Section 164 of Cr.P.C.

4.It is seen that the petitioner fell in love with the victim girl aged about 16 years. On perusal of the statement recorded from the victim girl under Section 164 of Cr.P.C., that the victim girl eloped with the petitioner and stayed in his house along with his parents. During her stay, the petitioner kissed her, except that, the petitioner has not committed any act of sexual assault and when he got to know, the victim girl was secured.



5. Considering the above facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioner does not require in this case, 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 Sessions Judge/Principal Special Court for 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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].

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

sd/-  
12/06/2023

/ TRUE COPY /

/06/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



To

1.The Sessions Judge,  
Principal Special Court for Trial of Cases under POCSO Act,  
Madurai.

2.The Inspector of Police,  
Jaihindpuram Police Station,  
Madurai City.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.BALAN, Advocate ( SR-8538[I] dated 12/06/2023 )

ORDER

IN

CRL OP(MD) No.9075 of 2023

Date :12/06/2023

ED/CG/SAR- (20/06/2023) 3P 5C