



CRL OP(MD) No.14269 of 2023

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

Date : 05/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
CRL OP(MD) No.14269 of 2023

T.Vaikunda Arul

... Petitioners / Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Colachel,
Kanniyakumari District.
(Crime No.8/2023.)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.8/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Sole Accused, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Section 376(2(n) of IPC and Sections 5(l), 5(j)(ii), 6(1), 11(4), 12 of POCSO Act, in Crime No.8 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that there was love affair between the

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petitioner and the victim girl and out of deliberate intention, the petitioner was having sexual intercourse on various days with the minor children, who is born on 14.12.2004, during the period from 19.02.2022 to 17.09.2022. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is not involved in any such offences as alleged by the prosecution. Actually, the petitioner and the victim girl loved each other, to which, the parents of the victim opposed for love. Now the victim become major and a child was born to them on 15.03.2023.

4. On 24.08.2023, the petitioner was directed to file an undertaking affidavit, on that ground this matter has been listed today.

5. Today, the petitioner has filed an undertaking affidavit that he will marry the victim girl without any condition and is ready to take care of his minor daughter.

6. On the basis of the undertaking affidavit that was filed by the petitioner and on considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the Special Court for Exclusive Trial of Cases under POCSO Act, Nagercoil,



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Kanniyakumari District, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. If there is any violation of affidavit or if any fresh case is registered against him, the bail granted by this Court shall stand cancelled automatically without any reference to the Court.

sd/-
05/09/2023

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/09/2023

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

INDU

To

1.The Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Nagercoil, Kanniyakumari District.



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2.The Inspector of Police,
All Women Police Station,
Colachel, Kanniyakumari District.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-13250[I] dated 05/09/2023)

ORDER
IN
CRL OP(MD) No.14269 of 2023
Date :05/09/2023

ED/JGB/SAR- (13/09/2023) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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