



WEB COPY



CRL O.P. No.21836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21836 of 2024

Anbumani,
S/o.Chellavel

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
[Cr.No.18 of 2024]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.18 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.R.Elavarasan

For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



CRL O.P. No.21836 of 2024

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 23.06.2024 for the offences punishable under section 5(1), 6 of POCSO Act in Crime No.18 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto-complainant is a minor child and she is studying 12th standard. The defacto-complainant and the petitioner have love affair, on 20.05.2023, the petitioner came to see the defacto-complainant at that time they have physical relationship and thereafter in many occasions, the petitioner had physical relationship with the defacto-complainant. Hence the case.

3. The learned counsel for the petitioner would contend that the defacto-complainant and this petitioner have love affair, when the same was known to the parents of the defacto-complainant, false complaint has been lodged as against this petitioner. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit



CRL O.P. No.21836 of 2024

that the defacto-complainant and this petitioner were loved each other, this petitioner gave assurance to marry her. Believing his words, they have physical relationship on several occasions. The defacto-complainant is studying 12th standard and she is a minor girl. In this case, section 164(5) Cr.P.C. statement was recorded from the victim girl. There is no previous case as against this petitioner. In this case, this petitioner was arrested and remanded to judicial custody on 23.06.2024. Hence, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering that there is love affair between the petitioner and the defacto-complainant, statement of the victim was recorded under section 164(5) of Cr.P.C. and considering the statement of the victim girl and there is no previous case pending against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on



CRL O.P. No.21836 of 2024

condition to 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 **Principal Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, Cuddalore District** and on further conditions that:

[b] the petitioner shall report before the Principal Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, Cuddalore District on every working day at 10.30 a.m. until further orders;

[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which they are accused; or suspected, or of the commission of which they are suspected; and

[e] the petitioner shall not directly or indirectly make any inducement,



CRL O.P. No.21836 of 2024

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

06.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn



WEB COPY



CRL O.P. No.21836 of 2024

P.DHANABAL,J

gvn

To

1. The Principal Sessions Judge,
Special Court for Exclusive Trial of Cases under POCSO Act,
Cuddalore,
Cuddalore District.
2. The Inspector of Police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
3. Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court, Madras.

CRL.OP.No.21836 of 2024

06.09.2024