



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP. 30133 of 2024

R.SHANKAR NARAYAN
S/O.K.V.RAMAN MOORTHY, NO.D1, LEFT WING,
R.C. LITTLE WING, MADHAVRAM MILK
COLONY, CHENNAI - 600 051.

PETITIONER

Vs

STATE
INSPECTOR OF POLICE, W-5, SELAIYUR ALL
WOMEN POLICE STATION, TAMBARAM CITY.
CRIME NO.41 OF 2024

RESPONDENT

For Petitioner:

MR. V. RAMESH
FOR MR. M.ANANDHA KUMAR

For Respondent:

MR. S. SANTHOSH, ADVOCATE (CRL. SIDE)



ORDER

WEB COPY

Apprehending arrest in connection with Crime No.41 of 2024 registered for the offences punishable under Sections 9(l), 9(m), 9(n) and 10 of POCSO Act, 2012, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He submits that due to matrimonial dispute, a false case has been given by the de facto complainant against the petitioner and that the petitioner got married to the de facto complainant in the year 2019 and a girl child was born on 05.10.2020 and there were frequent quarrels between them. The petitioner is working in Indian Oil Corporation and the de facto complainant is an IT professional and got settled at Padur. The defacto complainant and her parents harassed the petitioner and made him to transfer Rs.18,00,000/- in her favour. Thereafter the de facto complainant and her relatives had compelled him to deposit a sum of Rs.24,00,000/-, which he had received from his father out of his retirement benefits, in her name or else threatened him that she would file a false complaint against him that he misbehaved



WEB COPY

with her child. The petitioner had lodged a complaint on 08.11.2024 to the All Women Police Station, Ennore, as well as to the Chairman, Tamil Nadu Child Protection Commission and only as a counter blast, a false complaint has been given by the de facto complainant on 08.11.2024. He would further submits that the petitioner is working as a Senior Executive in Indian Oil Corporation and due to the matrimonial dispute, a false complaint has been given by the de facto complainant. He would submit that the petitioner is ready to appear before the respondent police and cooperate with the investigation.

3. The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the defacto complainant Mira Priyadharshini got married to the petitioner on 06.06.2019 and that a girl child was born to them on 05.10.2020. Later, due to misunderstanding, the de facto complainant started living in Padur and the accused used to come and visit her and her child. While so, during April 2024 the accused had misbehaved with her minor daughter and inappropriately touched her private parts. Hence the case.



WEB COPY

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record including the statement of the victim under 183 BNS, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this order, before the learned **Special Judge, Special Court for POCSO, Chengalpattu**, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the respondent Police everyday at 06.30 p.m for a period of two weeks and thereafter every Saturday at 10.30 a.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11.12.2024

bga

A.D.JAGADISH CHANDIRA, J.

bga



WEB COPY

To

1. INSPECTOR OF POLICE, W-5, SELAIYUR ALL
WOMEN POLICE STATION, TAMBARAM CITY.
CRIME NO.41 OF 2024

2. SPECIAL COURT FOR POCSO, CHENGALPATTU

CRL OP. 30133 of 2024

11.12.2024