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CRL OP. 30898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

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

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MADHAN MOHAN
S/O GOPALA KRISHNAN PLOT NO XIVGI
GROUND FLOOR PART XV XVI VGN KRONA
GERUGAMPAKKAM MADANANDAPURAM
KANCHEEPURAM

PETITIONER

Vs

THE STATE REP BY
STATE REP BY ITS THE INSPECTOR OF POLICE,
SRMC ALL WOMEN POLICE STATION AVADI

RESPONDENT

For Petitioner:

MR. VASANTH V

For Respondent:

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

ORDER



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Apprehending arrest in connection with Crime No.18 of 2024 registered for the offences punishable under Sections 9(m), 9(n) and 10 of Protection of child from Sexual Offences Act 2012, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, as per the de facto complainant Ishwarya, she got married to the accused on 15.11.2012 and she has got two girl children aged 11 years and 7 years. According to the defacto complainant, she was harassed by her husband and she bore all the tortures meted out to her for the sake of her two children. On knowing about the sexual torture given by the accused to her second daughter, she left her matrimonial home on 15.08.2023 along with her children. While she was in her parents' house, her second daughter was always found depressed and when she enquired her, she had informed that the accused had misbehaved to her and made her touch his private parts. Hence the case.

3. Learned counsel for the petitioner would submit that the petitioner



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is innocent and a false and exaggerated complaint has been given in order to harass the petitioner and to receive compensation from him. He would further submit that the de facto complainant has left the matrimonial home on 15.08.2023 and thereafter she has filed a Domestic Violence complaint in DVC No.63/2024 as against the petitioner on 12.07.2024 before the Judicial Magistrate No.I, Tuticorin, wherein she has made certain exaggerated allegations. In order to substantiate the same, she has given a belated false complaint. He would further submit that the petitioner was called for enquiry and he also appeared before the respondent for enquiry.

4. The learned Government Advocate would submit that the case against the petitioner is that he mis-behaved with his minor daughter and made her to touch his private parts. He would further submit that the enquiry has been completed and the final report has been filed before the POSCO Court, Chengalpattu and not taken on file.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the



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materials available on record including the statement of the victim under 183 BNSS and also the fact that the enquiry has been completed and that the petitioner has also cooperated for enquiry, 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 **Special Court for Protection of Children from Sexual Offences Act cases, Chengalpattu**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 Court 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 POCSO Court, Chengalpattu, on all the working days at 10.30 a.m, for a



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period of one week and thereafter on the dates fixed by the POCSO Court.

[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

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To

1. THE INSPECTOR OF POLICE,
SRMC ALL WOMEN POLICE STATION AVADI
2. SPECIAL COURT FOR PROTECTION OF CHILD FROM SEXUAL



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OFFENCES ACT CASES, CHENGALPATTU

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