



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31081 of 2024

Sakthi
S/o. Chinna, No.5/49, South Street,
Thennampatti, Vedasandur Taluk, Dindigul
District.

Petitioner(s)

Vs

State Rep.By Its
The Station House Officer. All Women Police
Station. Mettur, Salem District. (crime. No.
17/2024)

Respondent(s)

For Petitioner(s): Mr.R Murugabharathi

For Respondent(s) : Mr.S.Santhosh
Govt.Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 87 of BNS, 2023 and Section 5(1)r/w 6(1) of in Crime No.17 of 2024, on the file of the respondent police, seeks anticipatory bail.



2. Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seek indulgence of this Court.

He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as per the defacto complainant, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that based on the complaint given by one Priyanga/defacto complainant that her daughter aged about 16 years was missing, a case was registered in Cr.No.17 of 2024 under the caption “ girl missing”. Later, during the investigation, it came to light that the accused kidnapped the minor victim girl and committed the sexual assault.

4. The learned counsel for the petitioner is an innocent person and a false complaint was lodged against the petitioner. He would further submit that the petitioner got acquainted with the victim girl through social media. Later, it came to the knowledge of the parents of the victim and they had harassed the victim, thereby she came to the house of the petitioner. Other than coming to the house of the petitioner there is absolutely no other physical relationship between the petitioner and the victim. He would



further submit that the petitioner understands that a statement has been recorded from the victim under Section 183 of BNS and that no allegation of sexual assault has been made by the victim against the petitioner. He would submit that the petitioner is aged about 21 years.

5. Having heard perused the materials available on record including the FIR and the statement recorded from the victim under Section 183 of 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 **Sessions Judge/Special Judge**, under POCSO Act, **Salem District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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.



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[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required.

[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 petitioners 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 abscond, a fresh FIR can be registered under Section 269 B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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