



CRL OP(MD) No.2796 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2796 of 2024

JEGADESAN

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
JEEYAPURAM,
TRICHY DISTRICT,.
IN CRIME NO.2/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.2/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police
for the alleged offence under Sections 5(l), 5(j)(ii) and Section 6 of POCSO Act, 2012,
in Crime No.2 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the defacto complainant is aged about 15 years. The petitioner and the defacto complainant were loved each other, they had sexual relationship and so, the defacto complainant became pregnant. When the defacto complainant went to the hospital for abortion, intimation was sent to the Child Welfare Officer. Hence, the case.

3 The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner has filed an undertaking affidavit stating that after the victim girl attaining majority, he will marry her. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the victim girl is aged about only 15 years and due to the sexual relationship between the victim girl and the petitioner, she was pregnant and later it was aborted. Hence, he strongly objected to grant anticipatory bail to the petitioner.



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5. This Court perused the statement recorded from the victim girl under Section 164 of Cr.P.C., that the victim girl had love affair with the petitioner and on her own consent, they had sexual relationship and so, she became pregnant. Further the petitioner filed an undertaking affidavit stating that the victim girl and the petitioner are belongs to same village and both of them loved each other. Though the victim girl had stated in her statement before the respondent Police and the concerned Magistrate that on her own consent, the petitioner had sexual relationship with the defacto complainant, the case has been registered against the petitioner. Further, he undertakes that he will marry the victim girl, after she attain majority before the Sub Registrar Office, the victim girl and her mother also agreed the same.

6. Considering the facts and circumstances of this case and also considering the undertaking affidavit filed by the petitioner and the statement recorded under Section 164 of Cr.P.C., from the victim girl, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of



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fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Trichy, 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 learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 as and when required for interrogation;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
04/03/2024

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/03/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDGE,
MAHILA COURT, TRICHY.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
JEEYAPURAM, TRICHY DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2746[I] dated
05/03/2024)

ORDER
IN
CRL OP(MD) No.2796 of 2024
Date :04/03/2024

SS/GS/SAR- /11/03/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023