



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17645 of 2024

Santhiyaraj. A

... Petitioner/ Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Awps- Virudunagar,
Virudhunagar District.
Crime No. 22/2024.

... Respondent/Complainant

For Petitioner : M/s. Raghuman Khan. M,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 22 of 2024 on the file of the Respondent
police.



ORDER : The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 5(j)(ii) and Section 6 of the Protection of Child from Sexual Offences Act, 2012 in Crime.No.22 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein has committed the penetrative sexual assault on the victim girl and that she became pregnant. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent Police and perused the materials available on record.

4. Considering nature of allegation that there is a love affair between the victim child and the petitioner and the victim child aged about 17 ½ and the petitioner being aged 23 years and considering submission made by the learned counsel for the petitioner that the petitioner is ready to marry the victim girl, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.



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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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 Court for Exclusive Trial under POCSO Act, Srivilliputur 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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;

(b) As undertaken by the learned counsel for the petitioner, the affidavit shall be filed by the petitioner before the trial court with reference to the fact that the petitioner is going to marry the victim child after she attains the age of 18 years;

c) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, 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 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]; and;

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

sd/-
17/10/2024

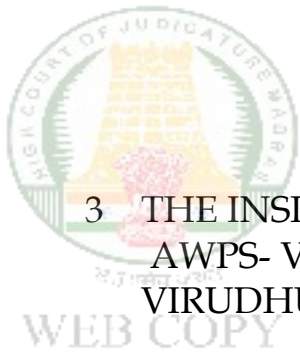
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/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL UNDER POCSO ACT,
SRIVILLIPUTHUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR



3 THE INSPECTOR OF POLICE,
AWPS- VIRUDUNAGAR,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.K.Dinesh,Advocate(SR.No.12706)

ORDER
IN
CRL OP(MD) No.17645 of 2024
Date :17/10/2024

MGJ/SKN(15.11.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023