



WEB COPY



Crl.O.P.No.1017 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1017 of 2025

Mahendra Singh

Petitioner(s)

Vs

The State represented By,
The Inspector Of Police,
W-13 All Women Police Station,
Washermenpet, Chennai.
Crime No.19 of 2024

Respondent(s)

For Petitioner(s):

Mr.K.Aakash

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.19 of 2024 registered for the offence punishable under Section 8 of the POCSO Act 2012 and Section 296(b) of BNS, 2023, 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 would submit that the petitioner is a tenant under the father of the defacto complainant. He would submit that the defacto complainant's father had directed the petitioner to vacate the premises and hand over the possession and



Crl.O.P.No.1017 of 2025

the petitioner had informed him that, he would be able to vacate the premise

after the advance amount being returned, whereas, the father of the defacto complainant in order to evict the petitioner, somehow or other, had given a complaint through his daughter. He would submit that initially a complaint was given to AWPS-Washermenpet, and in the complaint, a specific request was made by the defacto complainant to summon the petitioner and to ensure the petitioner to be vacated from the house. Subsequently, an exaggerated complaint has been given against the petitioner. He would submit that the defacto complainant is 19 years old and the complaint has been given, as if, she has been sexually harassed, when she was minor and the delay in giving the complaint and the request for which the complaint would expose the attitude and real intention of the defacto complainant. He would further submit 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 putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for the grant of anticipatory bail is that, the accused was a tenant under the parents of the defacto complainant, and the allegation is that when the defacto complainant was minor, the accused used to abuse her with a sexual intent by inappropriately touching her and driver her to the extent of committing suicide.



Crl.O.P.No.1017 of 2025

4. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police, and perused the materials available on record, including the receipt of CSR No.235 of 2024 dated 12.08.2024 and the statement recorded under Section 183 of BNSS from the victim, considering the facts and submissions of either side, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner 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 on which the order copy made ready, before the learned **III Metropolitan Magistrate Court, George Town, Chennai**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

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

A.D.JAGADISH CHANDIRA, J.



WEB COPY



Crl.O.P.No.1017 of 2025

dsn

[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 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

21.01.2025

dsn

Crl.O.P.No.1017 of 2025

21.01.2025