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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.29524 of 2024

Lavina Mary

...Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
All Women Police Station,
Bargur,
Krishnagiri District.
(Crime No.102 of 2014)

...

Respondent/Complainant

2.Ravikiran

...

Respondent/Accused

PRAYER: This criminal miscellaneous petition has been filed under Section 439(2) of BNSS, to set aside the order of Cancellation of Anticipatory Bail in Crl.M.P.No.591 of 2024 dated 06.11.2024 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri.

For Petitioner : Mr.R.Balaguru Swamy

For Respondents

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

For R2 : Mr.R.Thirumoorthy

ORDER



This petition has been filed seeking cancellation of the anticipatory bail order passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in CrI.M.P.No.591 of 2024 dated 06.11.2024 to the 2nd respondent/accused against whom a case has been registered under Sections 137(2) and 87 of BNS and Sections 5(l) and 6 of POCSO Act.

2.The learned counsel for the petitioner would submit that though the learned Special Public Prosecutor has strongly objected to the grant of bail, the Trial Court had granted anticipatory bail and considering the seriousness of the offence, the petition ought not to have been ordered and sought for setting aside the said order.

3.The learned counsel for the 2nd respondent/accused however would submit that it is a case of love affair and this Court had specifically directed the police officials not to effect arrest in such cases and that pursuant to the bail order, the petitioner has complied with all the conditions and in any case, custodial interrogation of the petitioner is not required and sought for dismissal of the petition.



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4.The learned Government Advocate (Crl. Side) for the 1st respondent police confirms the fact that it is a case of love affair.

5.Heard the learned counsel for the petitioner, learned counsel for the 2nd respondent accused and the learned Government Advocate for the 1st respondent and perused the materials available on record.

6.Admittedly, since the petitioner and the 2nd respondent/accused had a love affair, considering their age this Court is of the view that there is no infirmity in the order impugned granting anticipatory bail. Accordingly, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to file a petition for cancellation, if there are any supervening circumstances which warrants cancellation.

13.02.2025

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SUNDER MOHAN , J.

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To

1.The Inspector of Police,
All Women Police Station,
Bargur,
Krishnagiri District.

2.The Sessions Judge, Fast Track Mahila Court, Krishnagiri.

3.The Public Prosecutor,
High Court, Madras.

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