



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

Thursday, the Tenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22864 of 2015

VINO

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 228/2015

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S R.RUSSEL RAJ ADVOCATE
FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

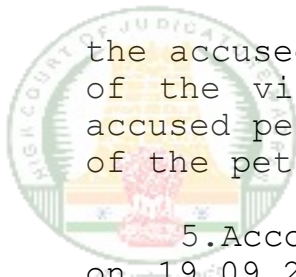
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 452, 294(B), 506(ii) of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.228 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 19.09.2015 while the defacto complainant and her family members were sleeping in their house, the petitioner and the accused No.2, namely Nirmala Packiya Selvi and four unknown persons trespassed into their house and tried to sexually assault the defacto complainant's daughter. On her complaint on 18.10.2015, the case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Both the petitioner and the defacto complainant are neighbours and due to previous enmity between the family members of the petitioner and the defacto complainant, a false complaint has been given against the petitioner. There is a civil dispute pending between the petitioner and the defacto complainant.

4.The learned Government Advocate (Crl.Side) submitted that on 20.09.2015 at 3.00 a.m., the petitioner trespassed into the house of the defacto complainant and tried to sexually assault the defacto complainant's daughter. When the defacto complainant woke up, all



the accused were escaped from the scene of occurrence. The statement of the victim is recorded and the investigation is pending. The accused persons are still absconding and the custodial interrogation of the petitioner is necessary.

5. According to the defacto complainant, the incident took place on 19.09.2015 and she is the eye witness to the incident and in respect of the same, she gave a complaint only on 08.10.2015.

6. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily twice at 10.00 a.m., and 5.00 p.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
10/12/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
AT NAGERCOIL KANYAKUMARI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.RUSSEL RAJ Advocate SR.No. 70674

ORDER
IN
CRL OP(MD) No.22864 of 2015
Date :10/12/2015