



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

WEB COPY

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

CRL OP(MD) No.12777 of 2016

AJITHKUMAR

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
(IN CRIME NO. 13/2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.L.GEORGE PAUL ANTO, ADVOCATE

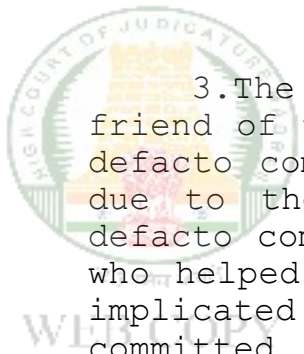
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8,11(1) r/w 12 of Protection of Children from Sexual Offence Act and Section 452 and 506(ii) IPC, in Crime No.13 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 21.03.2016, at about 12.00 p.m., when the defacto complainant, who is studying 11th standard, was alone in her house, the accused/A1 entered into the house of the defacto complainant and locked the house and proposed his love affair and tried to misbehave with her. When she shouted, the neighbours locked the front door and the accused/A1 called his friends through phone and his friends came to the place of occurrence and rescued the accused/A1 and all of them threatened her with dire consequences. On complaint, a case has been registered for the above said offences.



3.The case of the petitioner is that the petitioner is the friend of the accused/A1. The petitioner further submitted that the defacto complainant and the accused were having love affection and due to their dispute, a false complaint has been given by the defacto complainant. Based on the confession of A1, the petitioner, who helped to escape him from the place of occurrence, has falsely implicated in this case. The petitioner is innocent and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) submitted that statement under Section 164 Cr.P.C. is recorded.

5.Considering the nature of allegation against the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions. Accordingly, the petitioner is ordered to be released on anticipatory bail, subject to the conditions 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 Mahila Court (Fast Track Court), Kanyakumari District at Nagercoil and on further condition that,

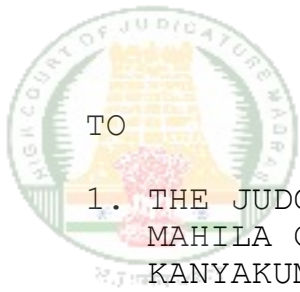
- (i) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (ii)the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii)the petitioner shall not abscond either during investigation or trial.
- (iv)On breach of 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
09/08/2016

/ TRUE COPY /

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



TO

1. THE JUDGE,
MAHILA COURT (FAST TRACK COURT),
KANYAKUMARI DISTRICT AT NAGERCOIL.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.L.GEORGE PAUL ANTO Advocate SR.No. 43419

ORDER

IN

CRL OP(MD) No.12777 of 2016

Date :09/08/2016

PJL

TE/KP/SAR-I : 18/08/2016 : 3P/5C