



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

Thursday, the Thirty First day of March Two Thousand Sixteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.4479 of 2016

KANNATHASAN

... PETITIONER/PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
THIRUPPATHUR TOWN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
CR NO.123 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S D.SADIQ RAJA Advocate

For Respondent : MRS.S.PRABJHA Govt. Advocate (Crl. Side)

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

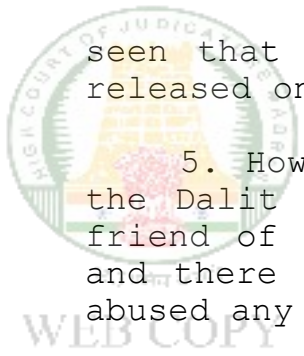
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 306, 201 and 506(i) IPC and Section 6(1) of Protection of Children from Sexual Offence Act, 2012 in Crime No.123 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard learned Senior Counsel for the petitioner and learned Government Advocate (Crl.Side) appearing for the State.

3. This is second anticipatory bail petition and the first petition in Crl.O.P.(MD) No.24825 of 2015 was dismissed as withdrawn on 10.02.2016.

4. It is the case of the prosecution that one Anipriya, a student staying in a Dalit hostel committed suicide on 04.03.2015 in connection with which initially a case in Crime No.123 of 2015 under Section 174 Cr.P.C. was registered and thereafter, the case has been altered into one under Sections 306, 201 and 506(i) IPC and Section 6(1) of Protection of Children from Sexual Offence Act, 2012 against two accused, namely, one Sri Devi, the Dalit Hostel Warden and Kannathasan/petitioner herein, who is also a Warden of Men's Hostel. After dismissal of the earlier anticipatory bail petition, it is



seen that Sri Devi was arrested by the respondent Police and was released on bail.

5. However, on reading of the 164 statements of the inmates of the Dalit Hostel, it is merely stated that this petitioner is the friend of Sri Devi and he used to very frequently go and meet her and there is no allegation against this petitioner having sexually abused any inmate.

6. Taking into consideration the fact that the case was registered way back in the year 2015 and also the fact that A1 was arrested and released on bail, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruppathur, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10:30 a.m. until further orders for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-
31/03/2016

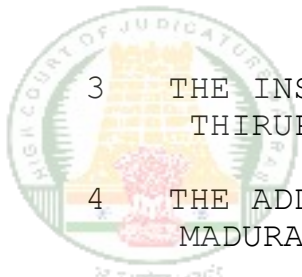
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR
<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT



3 THE INSPECTOR OF POLICE, THIRUPPATHUR TOWN POLICE STATION,
THIRUPPATHUR, SIVAGANGAI DISTRICT.

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

+1. CC to M/S D.SADIQ RAJA Advocate SR.No.18175

ORDER

IN

CRL OP (MD) No.4479 of 2016

Date :31/03/2016

GJM/AAL/MPA/SAR-I-4.4.16-2P-6C