



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

Monday, the Fourth day of December Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16572 of 2017

AJITH

... PETITIONER / ACCUSED 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.13/2017)

... RESPONDENT

For Petitioner : M/S.GEORGE PAUL ANTO, Advocate for
M/S.G.VAIRAM SANTHOSH Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

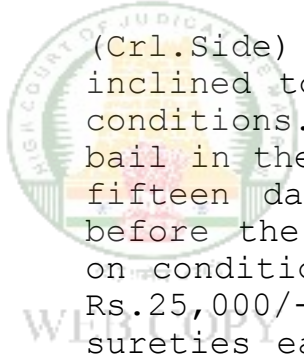
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offence punishable under Section 4 of Protection of Child from Sexual Offences Act 2012, Sections 366(A) and 506(i) of IPC and Section 4 of The Prohibition of Harassment of Woman Act 2008, in Crime No.13 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A-2 is the brother of the Accused No.1 and son of the Accused No.3 and relative of Accused No.4. The victim girl is the daughter of the defacto complainant. Accused No.1 mis-behaved with the victim girl child and had sexual relationship with her. Thereby the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that this Court already granted anticipatory bail to Accused Nos.3 & 4. The petitioner herein is arrayed as Accused No.2 and the learned counsel produced a copy of the 161 Cr.P.C statement given by the victim girl, which was recorded by the respondent police. He also submits that as per the 161 statement of the victim girl, there is no allegation against the petitioner/Accused No.2.

4.The learned Government Advocate (Criminal side) did not dispute the submissions made by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate



(Crl.Side) that the petitioner did not have any previous case, I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Nagercoil, Kaniyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) The petitioner shall appear before the respondent police daily at 10.30 a.m. before the respondent Police until further orders;

(ii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial;

(v) the petitioner shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
04/12/2017

/ TRUE COPY /

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

TO

1. THE JUDGE, MAHILA COURT,
NAGERCOIL, KANIYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.VAIRAM SANTHOSH Advocate SR.No.35508

ORDER IN
CRL OP(MD) No.16572 of 2017
Date :04/12/2017