



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4300 of 2018

PRAKASH ... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, TUTICORIN DISTRICT,
IN CR.NO. 3/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.RAMESHARUMUGAM Advocate
For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

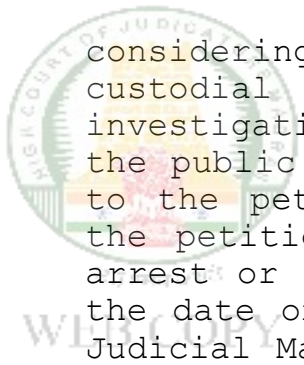
The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 11(4) r/w. 12 of POCSO Act, in Crime No.3 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that when the petitioner proposing his love to the victim girl, who is aged about 17 years, she refused to accept the same. Hence, on 25.01.2018, the petitioner wrote abusive words against the victim girl in the compound wall. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. Admittedly, previous to the alleged occurrence, the petitioner and the defacto complainant fell in love with each other. After knowing that the petitioner herein is the genealogical brother, she refused to accept his love, for which the petitioner threatened her and wrote defamatory words in public places, as result of which, the case has been registered. So,



considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation. However, since the alleged occurrence was happened in the public place, this Court is inclined to grant anticipatory bail to the petitioner with certain stringent 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 on which the order copy is made ready, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 report before the Namakkal Town Police Station, 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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
19/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAIKUNDAM, TUTICORIN DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
NAMAKKAL TOWN POLICE STATION, NAMAKKAL.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.4365

ORDER IN
CRL OP(MD) No.4300 of 2018
Date :19/03/2018