



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17944 of 2017

1 MOHAMMED IMRANKHAN

... PETITIONERS / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
(CRIME NO.10 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUTHUMALAI RAJA 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 :-

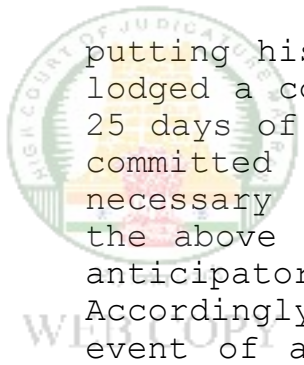
The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9(m) r/w 10 of POCSO Act, 2012, in Crime No.10 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner misbehaved with the daughter of the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police. Based on the said complaint, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence. He further submitted that the alleged occurrence is said to have happened on 15.09.2017 and the defacto complainant lodged the false complaint on 11.10.2017 after a lapse of 25 days with previous motive. Hence he pleads for grant of anticipatory bail to the petitioner.

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

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein misbehaved with the victim girl by



putting his hand on her chest. Thereafter, the defacto complainant lodged a complaint before the respondent police, after the lapse of 25 days of the said incident. So, considering the nature of offence committed by the petitioner, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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, within a period of fifteen days from the date on which the order copy is made ready, before the Mahila Court, Tuticorin, 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 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 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/-

24/01/2018

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

TO

- 1 THE JUDGE, MAHILA COURT, TUTICORIN.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. S. MUTHUMALAI RAJA Advocate SR.No.1251

ORDER IN

CRL OP(MD) No.17944 of 2017

Date :24/01/2018