



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1685 of 2019

SIVANATHAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.
CRIME NO.30 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SURESH MANICKAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(i), 5(j)(ii) r/w 6 of the Protection of Child from Sexual Offences Act 2012 in Crime No.30 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that due to love affairs, the de facto complainant's daughter got pregnant. Hence, the complaint.

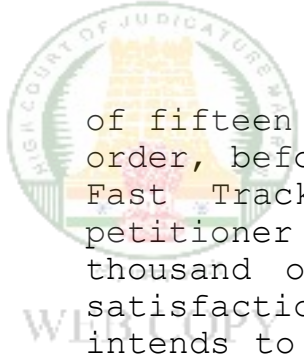
3.The learned counsel for the petitioner would submit that the victim girl and the petitioner fell in love for years together. He would further submit that he had nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.side) would submit that investigation is pending.

5.Taking into consideration the facts of the case and the submissions by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

6.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 Fast Track Mahila Court, Thoothukudi 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent as and when required for interrogation.

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

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

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/02/2019

/ TRUE COPY /

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

TO

1 THE FAST TRACK MAHILA Court, THOOTHUKUDI

2 THE INSEPCTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

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

+1. CC to MR.S.SURESH MANICKAM Advocate SR.No.2242

ORDER
IN
CRL OP(MD) No.1685 of 2019
Date :01/02/2019