



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

Thursday, the Seventh day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3554 of 2019

M.ABDUL RAZZACK

... PETITIONER / SINGLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.
(CRIME NO.7/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RAVI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 alleged offence under Section 12, 11(1) of Protection of Child from Sexual Offences Act, 2012 in Cr.No.7 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner is a senior citizen. The defacto complainant's cattle were entered into the petitioner's land and grazed his field, so that the petitioner instructed to stop grazing of cattle. Based on the reason, the petitioner entered into the defacto complainant's house and hug her, for which, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that due to political motive and other civil dispute, she gave a false complaint against the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the age of the girl is 14 years and the



petitioner's age is 64 years. However, except one incident, no incident was happened on the earlier occasion. He further submitted that investigation is pending.

5. Considering the facts and circumstances of the case and considering the allegation levelled against the petitioner, this Court is inclined 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 Court, Pattukottai, Thanjavur District, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/03/2019

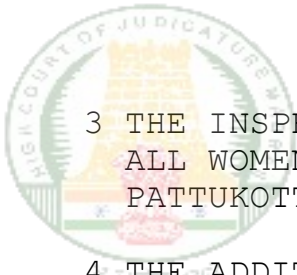
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THANJAVUR AT KUMBakonam.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PATTUKOTTAI, THANJAVUR DISTRICT.

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

+1 CC to M/s.S.RAVI, Advocate (SR-4492[I] dated 07/03/2019)

ORDER

IN

CRL OP (MD) No.3554 of 2019

Date :07/03/2019

JM/PN/SAR 4/13.03.2019/3P/6C