

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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3748 of 2019

JEYARAMAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KOTTAMPATTY POLICE STATION,
MADURAI DISTRICT.
CRIME NO.77/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ARAVIND RAJ, 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 is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 5(i), 5(j), (ii), 6 of POCSO Act 2012, 294(b), 506(ii) of IPC in Cr.No.77 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the victim, who lodged a complaint before the respondent stating that A1 and the defacto complainant were classmates in the Vallalapatti School and thereby they became friends. After leaving the school, the first accused fall in love with the defacto complainant. Thereby, the first accused tortured the defacto complainant and sexual intercourse with her under threat. Due to the intercourse, the defacto complainant became pregnant. The pregnancy of the defacto complainant came to light after she attained eight months and thereby the petitioner abused the defacto complainant with filthy language and threatened her with dire consequences. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that he has not committed any offence as alleged by the prosecution and he is an innocent. He would also submit that the main accused has committed the offence and this petitioner is only father of A1 Hence he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for respondent did not dispute the fact that submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there are no serious allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. However, this Court makes it clear that benefit of this order shall not applicable to other accused. 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 Additional District Session Judge, Mahila Court, Madurai, 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 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 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]**; and;

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

sd/-

26/03/2019

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

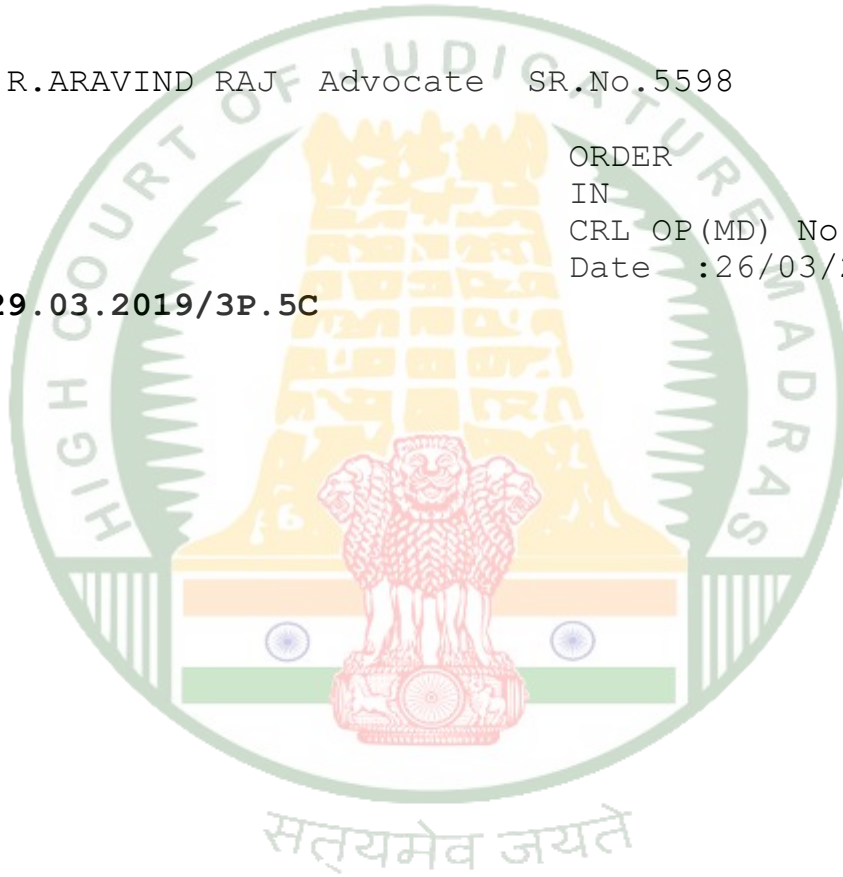
TO

1. THE ADDITIONAL DISTRICT SESSIONS JUDGE,
MAHILA COURT, MADURAI.
2. THE INSPECTOR OF POLICE
KOTTAMPATTY POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.R.ARAVIND RAJ Advocate SR.No.5598

ORDER
IN
CRL OP (MD) No.3748 of 2019
Date :26/03/2019

MS/VR/SAR-1/29.03.2019/3P.5C



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