



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

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4683 of 2019

JASON JEBAMANO

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIGUNDAM,
TUTICORIN DISTRICT.
Crime No.04/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR 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 alleged offence under Sections 7, 8, 11(4) and 1 of Protection of Child From Sexual Offences Act, 2012 in Cr.No.4 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner and the defacto complainant loved each other. Since the defacto complainant parents opposed her love, she stopped to talk with him. Even thereafter, the petitioner continuously tortured the defacto complainant and also misbehaved with her, thereby, the defacto complainant lodged a complaint against the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The learned counsel appearing for the petitioner further submitted that the petitioner and the defacto complainant are lovers which was opposed by the defacto complainant, thereby, she gave a complaint before the respondent police.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that even in the 164 statement, admittedly, the petitioner and the defacto complainant loved each other. Further, there is no serious offences alleged against the petitioner.

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5. Considering the facts and circumstances of the case and considering the fact that there is no serious offence alleged 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 Fast Track Mahila Court, Tuticorin, 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/-
11/04/2019

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TO

1. THE JUDGE
FAST TRACK MAHILA COURT,
TUTICORIN.

2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIGUNDAM,
TUTICORIN DISTRICT.

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

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.6639

ORDER

IN

CRL OP (MD) No.4683 of 2019

Date :11/04/2019

TK/PN/SAR-1/15.04.2019/3P/5C