



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.480 of 2019

SELVAMANI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.
(CRIME.NO.53/2018)

... RESPONDENT / COMPLAINANT

HARIHARAN

...INTERVENER/DEFACTO COMPLAINANT

For Petitioner : Mr.M.RAMU Advocate

For Respondent : Mr.S.CHANDRASEKAR,Additional Public Prosecutor

For Intervenor : Mr.D.ANBARASU,Advocate

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

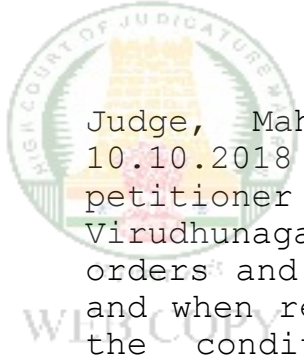
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 11(1) and 12 of Protection of Child from Sexual Offences Act, 2012, in Crime No.53 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant. The defacto complainant lodged a complaint as against the petitioner herein.

3.The learned counsel for the petitioner would submit that a civil suit in O.S.No.176 of 2012 is pending between the petitioner and the said defacto complainant's brother's wife before the District Munsif Court, Melur with regard to the pathway and subsequently the same was withdrawn since the understanding was arrived at. Now, there is contrary to the understanding the problem was repeated, the petitioner has been implicated in this case.

4.The learned counsel for the intervenor would submit that earlier the petitioner was granted bail by the learned Sessions



Judge, Mahalir Court, Madurai, in CrI.M.P.No.2383 of 2018 on 10.10.2018 by certain conditions, one of the condition is that the petitioner shall stay at Virudhunagar and report before the Virudhunagar Town Police Station daily at 10.00.am, until further orders and also directed to appear before the respondent police as and when required. Thereafter, the petitioner failed to comply with the condition, the defacto complainant filed a petition in CrI.M.P.No.2671 of 2018 for cancellation of bail and the same was ordered his bail was cancelled on 28.11.2018.

5.Considering the rival submissions and on perusal of the materials, it is found that the petitioner earlier granted bail by the Mahalir Court on 10.10.2018. Further, the case is posted for trial, this Court is inclined to grant anticipatory bail to the petitioner.

5.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 No.II, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the learned Judicial Magistrate No.II, Madurai daily at 10.30.a.m, until further orders.

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

[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/-
24/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.

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

+1. CC to MR.M.RAMU Advocate SR.No.1356

+1. CC to MR.D.ANBARASU Advocate SR.No.1361

PS/JC/SAR-3/05.02.2019/3P/7C

ORDER

IN

CRL OP (MD) No.480 of 2019

Date :24/01/2019