



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5135 of 2019

RAVIKUMAR

... PETITIONER / ACCUSED No.9

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE ,
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.317 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.SANJAY 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 Section 21(1) of 17 of Protection of Children Sexual Offence Act, 2002 in Crime No.317 of 2013 in Spl.S.C.No.65 of 2018 on the file of the learned Sessions Judge, Mahila Court, Sivagangai District, seeks anticipatory bail.

2.The case of the prosecution is that the first accused in this case, misbehaved with the minor victim girl and thereafter, the petitioner/A9, who was the Panchayathar, conducted enquiry and closed the same in favour of the first accused. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned Government Advocate (criminal side) for the State would submit that first accused has misbehaved with the minor victim girl and thereafter, the petitioner/A9 conducted enquiry and closed the same in favour of the first accused. After investigation, the law enforcing agency filed absconding charge sheet against the petitioner.



4. The learned counsel for the petitioner would submit that though the petitioner is not aware about the filing of the absconding charge sheet filed against him, before the Court and he is not able to know since he is working in Abroad.

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5. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not aware of the proceedings since he is in abroad, 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 Sessions Judge, Mahila Court, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall appear before the learned Sessions Judge, Mahila Court, Sivagangai District, on each and every hearing;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
08/04/2019

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



TO

1. THE SESSIONS JUDGE,
MAHILA COURT,
SIVAGANGAI DISTRICT.

2. THE INSPECTOR OF POLICE,
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to MR.S.M.SANJAY Advocate SR.No.6343

ORDER

IN

CRL OP (MD) No.5135 of 2019

Date :08/04/2019

AE/MMS/SAR-IV/12.04.2019/3P/5C