



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

Monday, the Twenty Second day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5533 of 2019

RAJATHANGAM,

... PETITIONER / ACCUSED No.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLIYOOR, TIRUNELVELI DISTRICT.
(IN CRIME NO.4/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR
Additional Public Prosecutor

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 376, 323 of IPC and Section 6 r/w.5(n), 21(1) of Protection of Children from Sexual Offence Act 2012, in Crime No.4 of 2019, on the file of the respondent police, seeks anticipatory bail.

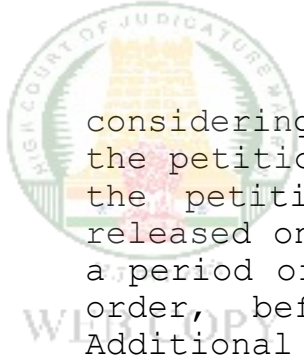
2. The victim has no parents and she is living with his grand mother. The petitioner herein is the grand mother and she used to attack the victim, for which she had taken asylum with her mother's sister husband in the maternal uncle house, thereby the maternal uncle mis-behaved with the victim, thereby she filed a complaint before the respondent police

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person.

4. The learned Additional Public Prosecutor appearing for the state would submit that investigation is pending

<https://hcservices.ecourts.gov.in/hcservices/>

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. 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 (full Additional Charge) Tirunelveli 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 as and when required for interrogation;

(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.

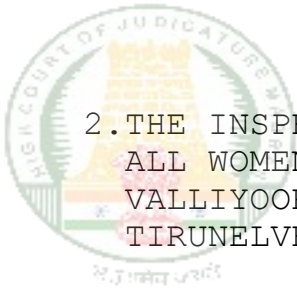
sd/-
22/04/2019

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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 (FULL ADDITIONAL CHARGE),
TIRUNELVELI.



2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLIYOOR,
TIRUNELVELI DISTRICT.

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

+1 CC to Mr.C.SUSI KUMAR, Advocate (SR-7052[I] dated 23/04/2019)

ORDER

IN

CRL OP(MD) No.5533 of 2019

Date :22/04/2019

aav

AE/JC/SAR-1 (25.04.2019) 3P 5C