



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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) No.8851 of 2019

AKILA @ AKILARANI

... PETITIONER/3RD ACCUSED

Vs

THE STATE
REP BY THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
(CRIME NO.17/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. S.C.HEROLD SINGH , Advocate
For Respondent : M/S.V.NEELAKANDAN,
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 offences punishable under Section 366 of IPC and Section 5(1), 6 and 17 of POCSO Act, in Crime No.17 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that in the F.I.R., the name of the petitioner has not been mentioned and only in the 164 statement, the victim girl stated that A1 left in the house of the petitioner herein and at that time, the petitioner said that if you have disclosed these facts to any one, she will be killed. Apart from the aforesaid statement, no other allegations made against the petitioner herein. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has submitted that based on the 164 statement, the petitioner's name has been mentioned. Hence, he opposed this petition.



5. Taking into consideration the aforesaid facts and also the fact that already A1 and A2 were arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court-I, Kuzhithurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

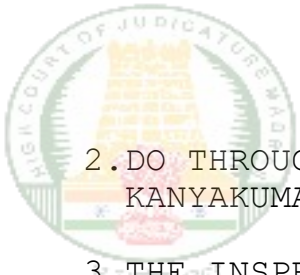
sd/-

27/06/2019

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

TO



2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S. S.C.HEROLD SINGH Advocate SR.No.10588

VSG

RL-JM/VR/SAR-3/3P/6C/15.7.2019

ORDER

IN

CRL OP(MD) No.8851 of 2019

Date :27/06/2019