



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21253 of 2018

ALAGARSAMY

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KALAIYARKOVIL,
SIVAGANGAI DISTRICT.
IN CR NO 14 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SRINIVASAN 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 offences punishable under Sections 448, 294(b), 354, 323, 506(i) I.P.C and Section 11(1) r/w 12 of POCSO Act, in Crime No.14 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant who is the mother of the victim has lodged a complaint before the respondent police stating that his daughter was studying in 9th standard in Government Higher school, which is situated 4 kilometres away from their resident. For the past one year, the petitioner said to have been following the victim and abused her with filthy language, showing obscene gestures and gave sexual torture to her. On 18.1.2018, the victim in her house was sitting and watching T.V with her brother, the defacto complainant trespassed in her house and compelled the defacto complainant for sexual intercourse. Due to which, the dispute arose. Hence a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is aged person. The petitioner and the victim's family are neighbours. There was a dispute between them with regard to the



ditch, therefore the petitioner used to warn the defacto complainant's family. In order to wreck vengeance, the defacto complainant lodged a false complaint against the petitioner.

4. The learned Government Advocate (Criminal Side) produced Case Diary.

5. On perusal of the Case Diary, it is found that the main allegation against the petitioner is that he was following the victim, when she was going to school. The witnesses have been examined and they have stated that no such incident had happened as stated by the victim and further investigation in this case is almost over and charge sheet is yet to be filed. The petitioner was already granted protection of not to arrest.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 District Mahila Court, Sivagangai, 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 respondent police daily at 10.30.a.m, for a period of two weeks thereafter, as and when required for interrogation.

[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/-
22/01/2019

/ TRUE COPY /



TO

1 THE DISTRICT MAHILA COURT
SIVAGANGAI

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KALAIYARKOVIL,
SIVAGANGAI DISTRICT.

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

+1. CC to MR.R.SRINIVASAN Advocate SR.No.1152

ORDER

IN

CRL OP(MD) No.21253 of 2018

Date :22/01/2019

MSI/VR/SAR-III/28.01.2019-3P/5C