



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10474 of 2019

Kala ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
Crime No.15 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Krishnasamy,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

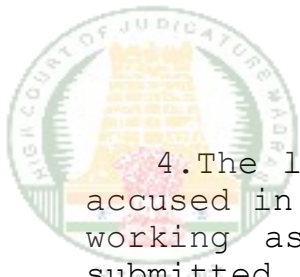
For Anticipatory Bail in Cr.No. 15 of 2019 on the file of the respondent police.

ORDER:

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 7, 8, 16, 17 of Protection of Child From Sexual Offences Act, 2012 r/w. 294 (b), 506 (I) of IPC , in Crime No.15 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and she has been falsely implicated in the above case. He further submitted that the petitioner has not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor totally there are two accused in this case, the petitioner herein is arrayed as A2, who is working as temporary Office Assistant in the School. He further submitted that A1 in this case has already been arrested and remanded to judicial custody on 05.07.2019. He further submitted that the investigation is pending and hence, he strongly opposed this petition.

5.The First Information Report has been registered, based on the complaint given by the mother of the victim girl. As per the F.I.R, on 05.07.2019, at about 3.00 p.m, when the victim was in a class room, A1 came there and said that Mr.Thangapandiyan, M.L.A. is giving money to poor students and for that application has to be submitted and further photo has to be taken and said photo has to be affixed in the said application and also asked the victim girl to come with him and for that, the Head Mistress Shanthi refused to send the victim girl with A1. But subsequently, at the instance of A1, the petitioner/A2, who is temporarily working as Office Assistant in the said School has directed the victim girl to go with A1, but, the said Head Mistress Shanthi was not examined so far by the Investigating Officer. In the 164 Cr.P.C. statement recorded from the victim girl, she has stated that the petitioner herein, over phone, contacted the class teacher and told her to send the victim girl for taking photo, but she has not stated that A1 directly approached the Head Mistress and the Head Mistress refused to send the victim girl with A1.

6.Taking into consideration of the aforesaid allegations, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 District Fast Mahila Sessions Court, Srivilliputhur, Virudhunagar District, 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 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/-
29/07/2019

/ TRUE COPY /

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

TO

1.THE JUDGE,
DISTRICT FAST MAHILA SESSIONS COURT,
SRIVILLIPUTHUR.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.P.KRISHNASAMY Advocate SR.No.12585

ORDER
IN
CRL OP(MD) No.10474 of 2019
Date :29/07/2019

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TK/VR/SAR.2/07.08.2019/3P/5C