

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

Date : 14/08/2019

PRESENT

The Hon'ble Justice Mr.P.Rajamanickam

CRL OP(MD) . No.11158 of 2019

Muthukaruppan

... Petitioner/Accused Nos.2&3

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District,
Crime No. 5 of 2019. Respondent/Complainant

For Petitioner : M/s. T.Vadivelan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime NO. 5 of 2019 on the file of
the Respondent Police.

ORDER : The Court Made the following order :-

The petitioners/accused Nos.2 and 3, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 363 of IPC and Section 3(a) r/w.4 of POCSO Act, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners would
submit that the petitioners are innocent and a false case has been
foisted against the petitioners. Hence, he prayed to grant
anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the
respondent would submit that on 28.05.2019 the son of the first
petitioner has kidnapped the victim and had sexual intercourse with
her. Hence he opposed to grant anticipatory bail to the petitioners.

5.The first petitioner herein is the father of A1 and the second petitioner herein is the former Panchayat President and the allegation against them is that they have taken the victim girl to her parent's house and except the aforesaid allegation no other allegation has been made against the petitioners. Hence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, MUSIRI,
TRICHY DISTRICT

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MUSIRI,
TRICHY DISTRICT

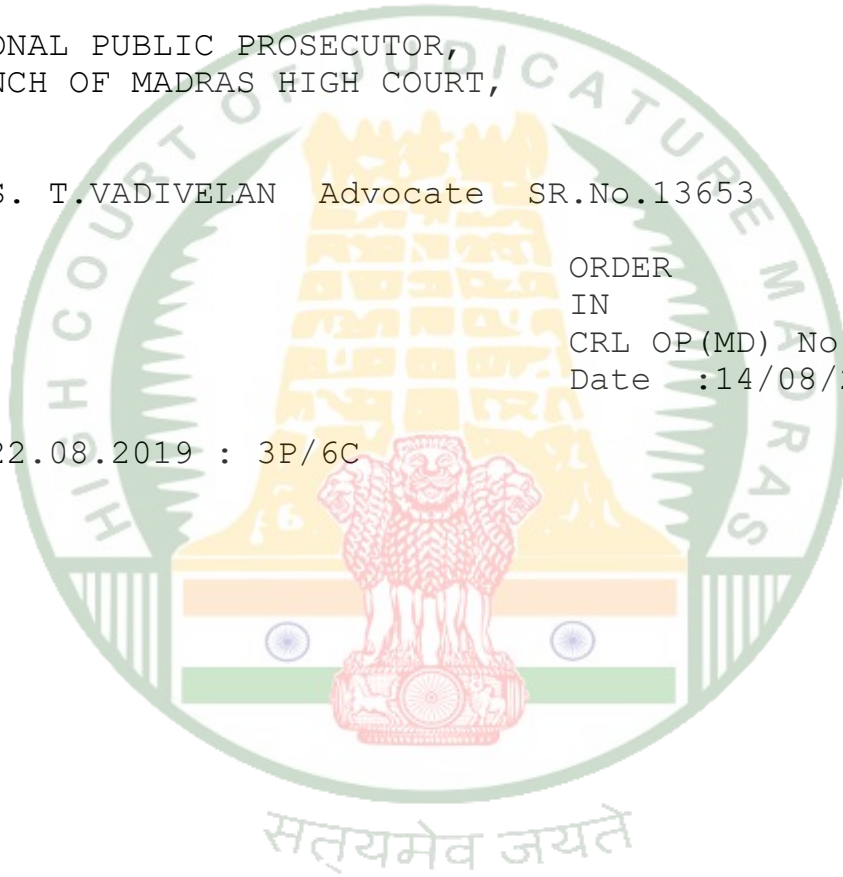
4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. T.VADIVELAN Advocate SR.No.13653

ORDER
IN
CRL OP(MD) No.11158 of 2019
Date :14/08/2019

aav

PK/JC/SAR-4/22.08.2019 : 3P/6C



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