



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.5622 of 2020

S.Sathiyaraj

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Cr.No.193 of 2020.

... Respondent/Complainant

For Petitioner : M/s K.Sanjai Gandhi,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

To enlarge the Petitioner/Sole Accused on bail in the event of his arrest or surrender in connection with the Cr.No.193 of 2020 dt.17.5.2020 on the file of the Respondent Police and pass such further or other orders as this Hon'ble Court.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 8 and 9(m) of the POCSO Act, 2012 in Crime No.193 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. When the matter was taken up for hearing on 08.06.2020, I

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intimated that if the petitioner surrenders before the respondent police, I would be inclined to convert this anticipatory bail petition into a bail petition.

4. Today, the learned counsel for the petitioner states that the petitioner surrendered before the respondent police. However, the petitioner is not in prison and he is in Government Hospital, Madurai, since the father of the victim had attacked the petitioner with aruval and caused very serious injuries.

5. Taking note of the medical condition of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Mahila (Fast Track) Court, Ramanathapuram District, after the concerned Court is reopened on regular basis.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) Since the petitioner is not in prison, the question of granting release order does not arise. Therefore, taking note of the fact that the petitioner had already been arrested, the Jurisdictional Magistrate is directed to accept the own bond of the petitioner and issue appropriate orders.

(iv) on breach of any of the aforesaid conditions, the 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 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].

sd/-
12/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDGE,
MAHILA (FAST TRACK) COURT,
RAMANATHAPURAM DISTRICT.
2. THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5622 of 2020
Date :12/06/2020

AKV
TE/JC/SAR-II : 15/06/2020 : 3P/4C