



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.5659 of 2020

G.Veera Pandi

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
(Cr No.20 of 2020).

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
Advocate.

For Respondent : R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 20 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is apprehending arrest at the hands of the respondent police for the offences punishable under sections 7 and 8 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.20 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The allegation against the petitioner is that the victim girl, aged 13, was taken into the house of the petitioner under the guise of giving chocolate and then the petitioner misbehaved. The defacto complainant, who is the father of the victim girl knocked the door and rescued his daughter and thereafter, given a complaint.



4.164 statement of the victim has been recorded. This Court perused the said statement.

5. Taking note of the fact that the petitioner and the complainant are neighbors and there was previous enmity between them and substantial part of the investigation already over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Judicial Magistrate No.II, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the Tirunelveli Town Police Station for thirty (30) days at 10.30 a.m., daily.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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/-
04/06/2020

/ TRUE COPY /

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.II, SIVAGANGAI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO Mr.R.ANAND, ADVOCATE IN SR No. 5779

ORDER
IN
CRL OP(MD) No.5659 of 2020
Date :04/06/2020

RMK
TE/VR/SAR-III : 05/06/2020 : 3P/7C