



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/06/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.6127 of 2020

E. Ravi ... Petitioner/Accused No.2

Vs

The State rep. by
Inspector of Police,
Inspector of Police Kulasekarapattinam
Police Station, Thoothukudi District,
Crime No. 32 of 2020..

... Respondent/Complainant

For Petitioner : M/s M.Murugesan,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest in connection with a case in Cr.No. 32 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(1) r/w.6 of POCSO Act, 201 and 506(ii) of IPC seeks anticipatory bail.

2. This Court earlier considered the anticipatory bail petition of the petitioner and dismissed the petition on the ground that unless the petitioner is secured incriminating photos of the victim girl cannot be retrieved.

3. Even after the dismissal of the earlier petition on 01.06.2020, the respondent police is not able to secure the incriminating photos of the victim girl. In the said circumstances second anticipatory



bail petition is filed.

4. Taking note of the factual circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Mahila Court, Thoothukudi 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30p.m., till 15.07.2020.

[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/-
29/06/2020

/ 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 JUDGE
THE MAHILA COURT
THOOTHUKUDI.
- 2 INSPECTOR OF POLICE
INSPECTOR OF POLICE KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6127 of 2020
Date :29/06/2020

PD/VR/SAR 2/30.06.2020/3P/4C