



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2020

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.6134 of 2020

S. Xavier Panneerselvam,

... Petitioner/Accused

Vs

State through
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.58 of 2020).

... Respondent/Complainant

For Petitioner : M/s. R.Sevugaraja,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

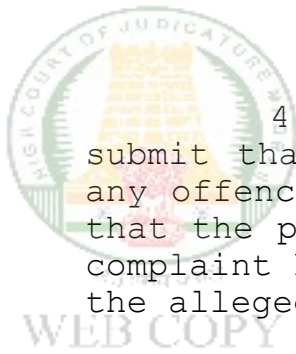
for Anticiapatory Bail in Crime No.58 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned 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 354(C),
376 and 511 of I.P.C., in Crime No.58 of 2020, on the file of the
respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner entered
into the house of the defacto complainant and attempted to commit
rape.



4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the uncle of the defacto complainant and the complaint has been given to the respondent police, after few days of the alleged incident.

5.The learned Government Advocate (criminal side) appearing for the State, on instructions, would submit that the petitioner entered into the house of the defacto complainant and attempted to commit rape. He would further submit that the petitioner is the uncle of the defacto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner and the defacto complainant are close relatives and the complaint has been preferred before the respondent Police after few days of the occurrence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District and on his executing 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 learned Magistrate concerned;

(ii) The petitioner shall appear before the respondent Police daily at 5.00 p.m., until further orders, for interrogation.

(iii) 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]***; and

(iv) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
18/06/2020

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6134 of 2020
Date :18/06/2020

MPK
AE/PN/SAR-II (23.06.2020) 3P 5C