



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

Date : 31/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8834 of 2020

SHANMUGASAMY

... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
PARAMAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.10/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.Mahendran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.10/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9(m) and 10 of Protection of Child from Sexual Offences Act, 2012, in Crime No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a tenant under the petitioner's sister. The petitioner and the defacto complainant family are residing in the same house. On the date of occurrence, the victim girl, who is aged about 11 years, went to the terrace for taking cloths. At that time, the accused was there and asked her help to move the ladder. Thereafter, the petitioner said to have sexually assaulted her. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that there is a civil dispute pending between the parties. Since the defacto complainant is a tenant under the petitioner's sister, a false case has been foisted against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the victim girl is aged about 11 years old. On the date of occurrence, she went to the terrace for taking clothes, at that time the petitioner was there and thereafter, the petitioner said to have sexually assaulted her. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that the petitioner is the brother of the land lord and there is civil dispute pending between the parties and as per FIR, the only allegation against the petitioner is that he touched the victim girl and there is no serious sexual assault made by the petitioner, hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and 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 as and when required for 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

<https://hcservices.ebar.in/hcservices/> 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;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /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,
RMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
PARAMAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8834 of 2020
Date :31/08/2020

vsg
JM/AKM/SAR 3/02.09.2020/3P/5C