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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8959 of 2020

Ramachandhiran

... Petitioner/Accused-1

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukottai District
Crime No. 08 of 2020

... Respondent/Complainant

For Petitioner : M/s.A.Azhageson,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 08 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend 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 and Sections 294(b), 354, 506(ii) of IPC and Section 4 of TNPHW Act. seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 17.08.2020 when the defacto complainant and another lady were shepherding cattle at that time the petitioner herein along with A2 came there and abused the defacto complainant and also pulled her hand and uttered abusive words against her. Thereafter she left the place and sat in



another place. Even at that time the petitioner herein with A2 said to have abused her and quarrelled with her. Hence the complaint.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that co-accused in this case namely A2 was released on bail by this Court.

5. The learned Additional Public Prosecutor would submit that both A1 and A2 abused the defacto complainant, pulled her hand without no reason and now the defacto complainant and two others have given statement before the learned Judicial Magistrate under Section 167 (5) of Cr.P.C implicating the petitioner herein.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein said to abused the defacto complainant and there is no allegation of sexual assault and also taking note of the fact that co-accused in this case was granted bail by this Court, this Court is 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 Sessions Judge, Mahila Court, Pudukottai on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 daily at 10.30 a.m., until further orders.

(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.R.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

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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 SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR,
PUDUKOTTAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8959 of 2020
Date :21/09/2020

AAV
TE/VR/SAR-III : 21/09/2020 : 3P/4C