



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

Date : 31/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9135 of 2020

P.Sesuraj

... Petitioner/Accused No.2

Vs

The State,
The Inspector of Police,
All Women Police Station,
Madurai Town.
Crime No. 16 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Sarvagan Prabhu,
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. 16 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under section 366 of IPC and 5(1) r/w Section 6 of POCSO Act, in Crime No.16 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 16 years, had fallen in love with A1 and both of them eloped and left their house. Thereafter, the petitioner and the victim said to have stayed in the lodge at Dindigul. Whereas, the petitioner said to have sexually assaulted the victim girl. 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 since the petitioner was working as a Manager of the lodge, he has been falsely implicated in this case. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. 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 16 years and she had fallen love with A1 and both of them left their house and stayed in the lodge at Dindigul. Thereafter, the petitioner said to have sexually assaulted the victim girl. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that A1 has already been arrested and remanded to judicial custody and now the victim was secured and as per FIR, the only allegation against the petitioner is that he is being Manager of the said lodge, provided accommodation to A1 and there is no serious allegation against 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 Special Court for POCSO, Madurai, 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 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;



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

sd/-
31/08/2020

WEB COPY / 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 SPECIAL COURT FOR POCSO,
MADURAI
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI TOWN
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-6200[I] dated 01/09/2020

ORDER
IN
CRL OP(MD) No.9135 of 2020
Date :31/08/2020

vsg
PK/PN/SAR-2/03.09.2020 : 3P/5C