



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13946 of 2020

Navamaniraj

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Paramakudi,
Ramanathapuram District.
Crime No. 23 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.23 of 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 section 341 of IPC and Sections 7 and 8 of Protection of Child From Sexual Offences Act, in Crime No.23 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 13 years. While she was taking water in the common pipe line, the petitioner said to have asked her to marry him and also pulled her hand and came to her house and thereafter, the petitioner said to have threatened her to open the door. 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 the petitioner and the victim girl are close relatives. He further submitted due to previous enmity, the petitioner has been falsely implicated in this case. 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 petitioner and the victim girl are relatives. On the date of occurrence, while the victim girl was taking water in the common pipe line, the petitioner said to have asked her to marry him and also pulled her hand.

6. On perusal of the records including the statement of the victim girl given under Section 164 Cr.P.C. to the learned Judicial Magistrate, reveals that While she was taking water in the common pipe line, the petitioner said to have asked her to marry him and also pulled her hand and there is no other serious allegation against the petitioner.

7. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

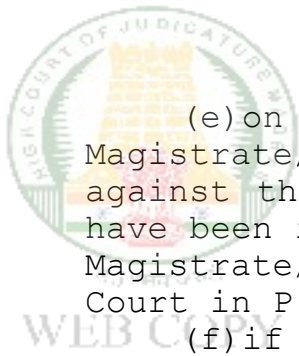
8. Accordingly, the petitioner shall file an undertaking affidavit that he will not interfere the life of the victim girl in future before the respondent Police. On such affidavit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Fast Track Mahila Court, Ramanathapuram, on condition that the petitioner shall execute 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 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



(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.

9.If the petitioner will interfere the life of the victim girl, the anticipatory bail granted to the petitioner stands automatically cancelled and the second respondent is directed to secure the petitioner and proceed in accordance with law.

sd/-
03/12/2020

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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 JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13946 of 2020
Date :03/12/2020

vsg
AE/PN/SAR-III (15.12.2020) 3P / 4C