



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/12/2020

PRESENT

WEB COPY

The Hon`ble **Mr.Justice G.ILANGO VAN**

CRL OP(MD). No.16068 of 2020

Ranjith Kumar @ Maria Ranjith ... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District
at Nagercoil.
Crime No.30 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Esakki, Advocate.
For Respondent : Mr.Seenivasan,
Government Advocate (Crl.Side)

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

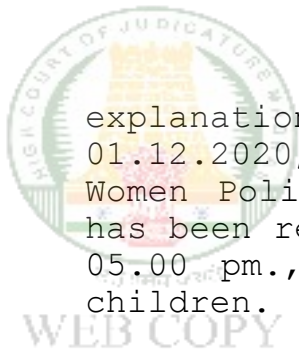
PRAYER :- For Anticipatory bail in Crime No.30 of 2020 on the file of the Respondent Police.

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 11(i) and 12 of the POCSO Act in Crime No.30 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.After hearing the parties, it is seen that some sort of dispute arose between the defacto complainant and the petitioner's mother. On 29.11.2020, the mother of the petitioner lodged a complaint before the Suseenthiram Police Station stating that, the husband of the defacto complainant had made some indecent advances. The defacto complainant regarding some indecent gesture said to have been committed by the petitioner at 07.00 pm., on 28.11.2020 towards her, lodged a complaint. But did not mention about the present occurrence said to have taken place at 05.00 pm., on that date. In respect of the said complaint, the petitioner appeared before the Suseenthiram Police Station for enquiry and has made some



explanation. The defacto complainant did not appear. Later on 01.12.2020, the defacto complainant made a complaint before the All Women Police Station, Nagercoil. Based on which, the present FIR has been registered. It has been stated that on 28.11.2020 at about 05.00 pm., the petitioner had made some indecent gesture to the children.

4.From the reading of the entire papers, it reveals that some sort of trouble is existing between these two parties. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judge, Special Court for POCSO Act Cases, Nagercoil, 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 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 for a period of two weeks and thereafter, 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;

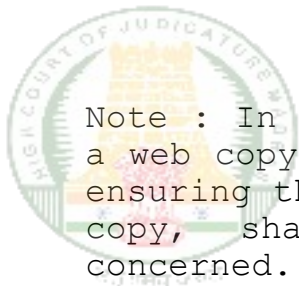
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
31/12/2020

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

1. THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, NAGERCOIL.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI, KANYAKUMARI DISTRICT
AT NAGERCOIL.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.ESAKKI, Advocate (SR-10[I] dated 04/01/2021)

ORDER

IN

CRL OP(MD) No.16068 of 2020

Date : 31/12/2020

MS/PN/SAR-1/05.01.2021/3P.5C