



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/01/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.568 of 2021

Veeramuthupandi

... Petitioner/Sole Accused

Vs

State Rep. by  
The Inspector of Police,  
All Women Police Station,  
Paramakudi, Ramanathapuram District.  
(Crime No.25/2020).

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S,  
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.25 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 Sections 7 and 8 of Protection of Child from sexual Offences Act, 2012, and 506(i) of IPC, in Crime No.25 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner belong to the same locality. On the date of occurrence, when the defacto complainant, who is aged about 16 years, was going towards her agricultural land, the petitioner obstructed her and dragged her by hand and assaulted the defacto complainant. When the same was questioned by the mother of the defacto complainant, the petitioner said to have abused the defacto complainant and her family members and also threatened her with dire consequences, 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 is an innocent person and he has not committed any offence as alleged by the prosecution and due to prior dispute between the two families, he 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 victim girl is aged about 16 years. When the defacto complainant was going towards her agricultural land, the petitioner obstructed her and dragged her by hand and assaulted the defacto complainant. The learned Government Advocate (Crl. Side) has also produced the statement of the victim girl under Section 164 of Cr.P.C.

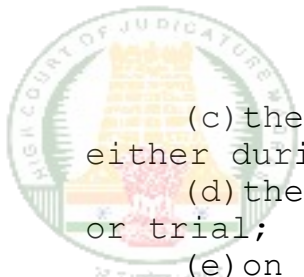
6.From the perusal of the records including the statement recorded under Section 164(5) of Cr.P.C, it is seen that there is no sexual assault on the defacto complainant.

7.Considering the facts and circumstances of the case and also considering the fact that there is no sexual assault on the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall draw a demand draft in favour of Cancer Institute (WIA),No.38,Sardar Patel Road,Adyar, Chennai- 20 for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance / submission of Demand Draft while executing sureties. On acknowledgment of the same by Cancer Institute (WIA),No.38,Sardar Patel Road,Adyar, Chennai- 20, 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 learned Mahila Court (FTC), 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 daily at 10.30 a.m for a period of two weeks and thereafter, as and



(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/-  
19/01/2021

/ 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.

TO

- 1 THE JUDGE,  
MAHILA COURT (FTC), 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.

COPY TO:

THE OFFICER INCHARGE,  
CANCER INSTITUTE (WIA),  
NO.38, SARDAR PATEL ROAD,  
ADYAR, CHENNAI- 20.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate ( SR-321[I] dated 20/01/2021 )

ORDER  
IN  
CRL OP(MD) No.568 of 2021  
Date :19/01/2021

VSG

<https://hcmvscs.court.gov.in/fcservices> 01.2021/3P/6C