



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1684 of 2021

Shanmugam @ Shanmugavelu

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
AWPS-Paramakudi,
Ramanathapuram Distirct.
Crime No.22 of 2020

... Respondent/Complainant

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

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

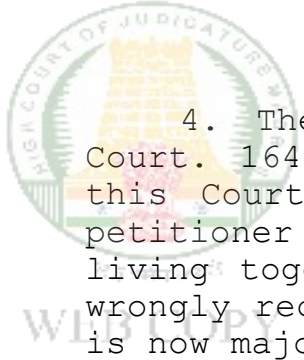
For Anticipatory Bail in Crime No.22 of 2020 on the file of the Respondent Police.

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 5(j)(ii) and 5(r) r/w. 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.22 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is the accused had forcible physical relationship with the defacto complainant, who is aged about 17 years on 10.04.2020 at about 01.00 p.m. The victim girl got pregnancy. Hence, the present complaint.



4. The victim girl and her mother are present before this Court. 164 Statement of the victim girl was also produced before this Court. The victim girl stated before this Court that the petitioner is taking care of her child and her family. They are living together. It is seen that the age of the victim girl is wrongly recorded in the school certificate and that the victim girl is now major.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 (Fast Track 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 daily at 10.30 am 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

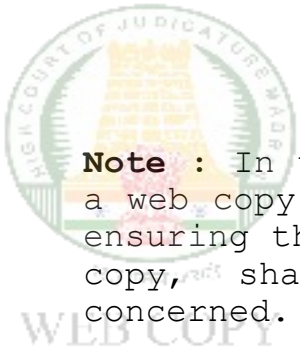
sd/-

17/02/2021

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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 JUDGE, MAHILA COURT,
(FAST TRACK COURT),
RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
AWPS PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-1145[I] dated 18/02/2021)

ORDER
IN
CRL OP(MD) No.1684 of 2021
Date :17/02/2021

IAS
TE/JC/SAR-I : 24/02/2021 : 3P/5C