



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.1812 of 2021

Angamuthu

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Lalgudi,
Trichy District
Crime No.32/2020.

... Respondent/Complainant

For Petitioner : Mr.Senthil Kumar.T,
Advocate.

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

PRAYER :-

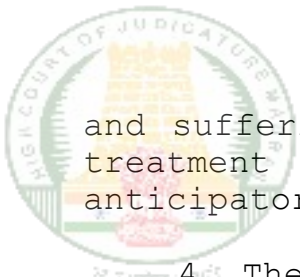
For an Anticipatory Bail in Crime No.32 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 450 of IPC r/w.Sections 7,8,3(C), 4(2) r/w.18 of POCSO Act seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein entered into the house of the victim and mis-behaved with her and when she raised alarm the petitioner escaped from the house. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is aged about 71 years



and suffering from age old health ailments and he is also taking treatment in the Frontline Hospital, Trichy, hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that petitioner herein entered into the house of the victim and misbehaved with her.

5. From the perusal of the 164 Cr.P.C statement of the victim and the medical records it is seen that the petitioner is aged about 71 years and having aged related health ailments and he was under treatment in the Frontline Hospital from 14.12.2020 to 24.12.2020. Further on perusal of the 164 Cr.P.C statement and the contention in the First Information it is found there are lot of variations, the complaint seems to be exaggerated. The victim girl stated in her statement that the petitioner had caught hold of her hand and except this no other allegation made against the petitioner.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner's age and health ailments, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Tiruchirapalli 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 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.

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sd/-
17/02/2021

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/ /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,
TIRUCHIRAPPALLI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI,
TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.T.SENTHIL KUMAR, Advocate (SR-1142[I] dated 18/02/2021)

ORDER
IN
CRL OP(MD) No.1812 of 2021
Date :17/02/2021

AAV
TE/JC/SAR-III : 22/02/2021 : 3P/5C