



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2964 of 2021

S.Ranjith

... Petitioner/Accused Rank No.1

Vs.,

State rep.by,
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
Crime No.10 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Vishnu,
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 :-

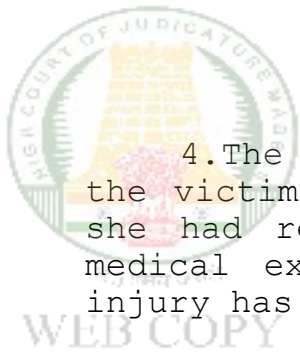
For Anticipatory Bail in Crime No.10 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused 1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(m), r/w 6 & 11 r/w 12 of POCSO Act 2012 and 506(i) of IPC in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter studying 12th standard. When she was going to School, the petitioner followed her with bad intention and misbehaved with her. 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 them. He further submitted that there was some dispute between the petitioner and the defacto complainant. The petitioner initially shows some interest on the victim girl, which was opposed by the parents of the victim girl. The petitioner has completed degree and now, he is searching a job.



4.The learned Government Advocate(Crl.Side) would submit that the victim girl has examined before the Judicial Magistrate, where she had reiterated the same. The victim girl was produced for medical examination and her pregnancy test turned negative. No injury has been sustained by the victim girl.

5.Taking into consideration the facts and circumstances of the case, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Special Judge (Special Court for POCSO Act Cases), Madurai 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 or trial;

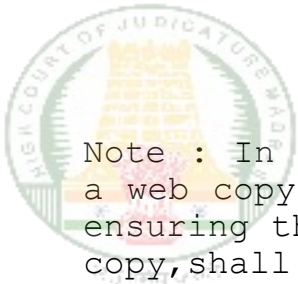
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
11/03/2021

/ 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.

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- TO
1. THE SPECIAL JUDGE,
(SPECIAL COURT FOR POCSO ACT CASES),
MADURAI
 2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2964 of 2021
Date : 11/03/2021

rmk
PK/SMA/SAR-IV/18.03.2021 : 3P/4C