



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4022 of 2021

S.Krishnan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District
Crime No. 3/2021.

... Respondent/Complainant

For Petitioner : Mr.Sriram.V.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

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

PRAYER :-

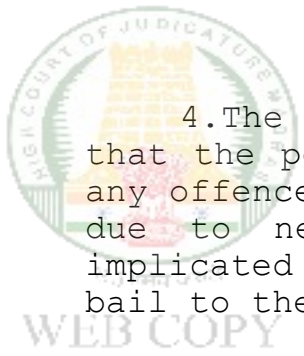
For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent Police.

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 Section 7 r/w 8 of the Protection of Child from Sexual Offence Act, 2012, in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim minor girl. When the victim minor girl was playing in front of the petitioner house among other children, the petitioner was came there and hugged her and sexually harassed her. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal 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. He further submitted that due to neighbouring dispute, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner has committed very serious offence against the victim minor girl.

6.On perusal of the materials available on records, It is seen that the petitioner is the neighbour of the victim girl. The act of the petitioner had been questioned by the neighbour, who had informed the same to the defacto complainant. Thereafter, the defacto complainant questioned the same.

7.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall not enter into Arumugam 2nd Street, Kamarajapuram North Part, Thirumangalam, Madurai District, and more particularly he shall not visit his wife and son till the examination of the victim girl and parents and materials witness in the scene of occurrence and with certain conditions.

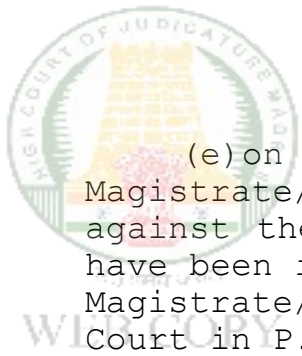
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Special Court for POCSO Act cases, Madurai, on condition that the petitioner shall execute a bond for a sum 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 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



(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/03/2021

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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,
SPECIAL COURT FOR POCSO ACT CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.V.SRIRAM, Advocate (SR-2295[I] dated 19/03/2021)

ORDER

IN

CRL OP(MD) No.4022 of 2021

Date :19/03/2021

VSG

SRS/JC/25.03.2021/3P/5C