



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4160 of 2021

Durai

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.842 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Muthumalairaja S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.842 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

This is the second anticipatory bail application. The petitioner who is arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under section 366(A) of IPC @ into section 366A of I.P.C. and Section 5(L) r/w 6 of POCSO Act, in Crime No.842 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner's earlier petition in Crl.O.P.(MD)No.10678 of 2020 was granted by this Court on 08.10.2020 on condition that the petitioner shall surrender before the Special Judge for Exclusive Trial for Cases under POCSO Act, Thoothukudi, within a period of four weeks. Since the petitioner is suffering from viral fever, he

<https://hcservices.mca21.gov.in/hcservices>



by this Court. Hence, the petitioner filed a present petition before this Court seeking anticipatory bail.

3.Considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

4.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 Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, 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 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/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUTHUMALAIRAJA Advocate SR.No.2364

ORDER

IN

CRL OP(MD) No.4160 of 2021

Date :18/03/2021

NR/PN/SAR-IV(23.03.2021) 3P:5C