



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4521 of 2021

1. Muthukumar
2. Barath @ Baratwaj ... Petitioners/Accused No.1 and 2

Vs

The Inspector of Police,
All Women Police Station,
Nanguneri Police Station,
Tirunelveli District.
Crime No. 2 of 2021.. ... Respondent/Complainant

For Petitioners : M/s.V.Mowschica, Advocate for
M/s.Sathyachidambaram 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.2 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 7 and 8
of POCSO Act, in Crime No.2 of 2021, on the file of the respondent
police, seek anticipatory bail.



3. Considering the submission and on a perusal of the materials, it is seen that the defacto complainant is the divorced wife of the first petitioner. They had two children. The eldest daughter, who is the victim in this case is the first petitioner and the second daughter of the first petitioner is living separately. The first petitioner used to consume alcohol regularly along with his co-workers. On the fateful day, the petitioners in drunken mode quarrelled with others. When the victim girl questioned the same, the first petitioner assaulted her and second petitioner had made intentional touch on her. Thereafter, on the intervention of the neighbours, they were separated.

4. Considering their relationships, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the District and Sessions Judge - Special Court for POCSO Act Cases, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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/-
26/03/2021

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/ /2021

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

IAS

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 DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4521 of 2021
Date :26/03/2021

NR/VR(31.03.2021) 3P:4C