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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/03/2021

PRESENT

**The Hon'ble Mr. Justice M.NIRMAL KUMAR**

CRL OP(MD) . No.4930 of 2021

Raja

... Petitioner/Sole Accused

**Vs**

The State Rep. by  
The Inspector of Police,  
Paramakudi All Women Police Station,  
Ramanathapuram District.  
Crime No.3/2021.

... Respondent/Complainant

For Petitioner : Mr.Jeyakarthik.M.S.,  
Advocate.

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

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

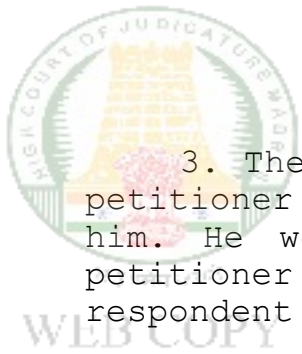
**PRAYER :-**

For Anticipatory Bail in Crime no.3 of 2021 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 448, 294(b), 352, 354(A)(i), 506(i) of IPC, Section 4 of TNPHW Act and Sections 9(m)(r) r/w. Section 10 of POCSO Act seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein entered into the house of the defacto complainant abused him with filthy language and also sexually assaulted the niece of the defacto complainant. 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 due to the above complaint the petitioner and his family members are unnecessarily harassed by the respondent police.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein entered into the house of the defacto complainant abused him with filthy language and also sexually assaulted the niece of the defacto complainant.

5. It is seen that earlier cases has been filed against the petitioner by the mother of the victim. The petitioner herein entered into the house of the victim demanded loan amount at that time the alleged occurrence said to have taken place. Further the petitioner is doing money lending business due to which a case has been foisted against him. Finding that there is a strong motive between the petitioner's family and the said Aisha, 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 Judicial Magistrate, Paramakudi, Ramanathapuram District 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.

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sd/-  
31/03/2021

/ /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 JUDICIAL MAGISTRATE,  
PARAMAKUDI,  
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
PARAMAKUDI ALL WOMEN POLICE STATION,  
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.4930 of 2021  
Date :31/03/2021

AAV  
TE/JC/SAR-IV : 08/04/2021 : 3P/5C