



WEB COPY

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

Date : 30/06/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.7673 of 2021

K.Sivamuthaiah @ Siva

... Petitioner/Sole Accused

Vs

The State
Rep by Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District
(Crime No.6 of 2021)

... Respondent/Complainant

For Petitioners : Mr.A.S.Vaigunth,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Government Advocate (Crl.Side)

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

PRAYER :-

for anticipatory bail in cr. no. 6 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8, 4 r/w 18 of Protection of Child from Sexual Offences Act, 2012 and 452 and 506(ii) of IPC., in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.Earlier, the petitioner has filed a petition in Crl.O.P(MD) No.6940 of 2021 before this Court, which was dismissed on 21.05.2021. Subsequent to that dismissal order, second petition has been filed setting out new facts.



4. At the time of argument, the learned counsel for the petitioner submitted that during the course of investigation, the victim girl has not stated anything about the petitioner and the petitioner is also ready to marry the victim girl. On that ground, this matter was adjourned to 24.06.2021.

5. On that day, the learned Government Advocate (Crl.side) appearing for the State, on instructions, submitted that there is no such proposal as stated by the petitioner.

6. The learned counsel for the petitioner submitted that subsequent to the date of alleged occurrence, there was exchange of messages between the petitioner and the victim girl through whatsapp. He also produced the typed-set of papers containing the print out taken from the whatsapp messages. Therefore, the genuineness of the messages were directed to be verified by the Investigation Officer and the matter was adjourned to 30.06.2021.

7. Today when the matter is taken up for hearing, the learned Government Advocate (Crl.side) appearing for the State on instructions submitted that the phone number mentioned in the typed set of papers belongs to the victim girl.

8. It is seen that prima facie case has been made out, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, 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 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., until further orders;

[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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/06/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE No.I, KOVILPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7673 of 2021
Date :30/06/2021

NS
TE/AKM/SAR-V : 06/07/2021 : 3P/5C