



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.7594 of 2021

S.Rajesh Bharathi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Palayamkottai,
Tirunelveli District
Crime No.11/2021.

... Respondent/Complainant

For Petitioner : Mr.A.ROBINSON,
Advocate.

For Respondent : T.SENTHILKUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.11 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 376(2)(f) and 506(i) of IPC I.P.C. in Crime No.11 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has committed sexual assault on the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case. He further submits that the petitioner is working as Guest Lecturer in Government Law College, Tirunelveli.

4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, submits that the respondent police has

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



conducted an investigation and they have collected the call details. He further submits that the petitioner has co-operated for the investigation.

5. Considering the facts and circumstances of the case, the fact that the petitioner is working as a Guest Lecturer and that he has also co-operated for the investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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 No.I, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the 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/ petitioner 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.

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 COURT NO. I
TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT

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

+1. CC to Mr. A. ROBINSON, Advocate SR.No. 6417

ORDER

IN

CRL OP(MD) No. 7594 of 2021

Date : 20/09/2021

SA/JC/SAR.3/23.09.2021/3P/6C