



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06.08.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9880 of 2021

Selvaraj @ Selvan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
In Crime No.208 of 2019

Now Pending before
All Women Police Station,
Kanyakumari,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar, Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

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

PRAYER :-For Anticipatory Bail in Crime no.208 of 2019 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 alleged offences punishable under Sections 376(2)(n), 354, 506(1) and 34 of IPC in Crime No.208 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had some affair with the first accused/Binu and had physical relationship with him. For some time, the first accused and the defacto complainant were staying in a house belonging to one Yesudas and one day, the petitioner, who is the friend of the first accused had attempted to have physical relationship with her. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he is falsely implicated in



4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is pending.

5. Reading of the First Information Report shows that the defacto complainant was having physical relationship with the first accused from the year 2017 and this complaint was lodged in the year 2019. The specific allegation against this petitioner is that he attempted to have physical relationship with the defacto complainant. However, the date of such occurrence has not been mentioned in the First Information Report. Considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

6. 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 Judicial Magistrate, Additional Mahila Court, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., 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].

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

sd/-
06/08/2021

/ 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,
ADDITIONAL MAHILA COURT, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9880 of 2021
Date :06/08/2021

MBI
MK/VR/SAR.III/18.08.2021/3P/6C