



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

Date : 30.07.2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.10221 of 2021

Murugan

... Petitioner/Accused No.11

Vs

The State Rep. by,
The Sub-Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime No.64 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.64 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 alleged offences punishable under Sections 11(ii) and 12 of Protection of Child from Sexual Offences Act, 2012 and Sections 147, 323, 324 and 506(1) of IPC in Crime No.64 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter was studying 10th standard and she was teased by the first accused, Ayyanar. The defacto complainant's daughter informed about this to the defacto complainant and in turn, the same was informed to the brother of the defacto complainant, namely, Raja Sankar. The said Raja Sankar told the incident to the father of the first accused and asked him to correct the first accused. On 15.06.2021, at about 12.00 noon, when the defacto complainant's daughter went for collecting water, the first accused followed her and compelled her to love him and also committed eve teasing. This was informed



to the defacto complainant. At about 03.30 pm, when the defacto complainant and her husband asked to the first accused Ayyanar, as to why, he is eve teasing their daughter, the accused attacked them and the defacto complainant and others suffered injuries. Hence, the complaint.

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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He further submitted that the defacto complainant and the petitioner are relatives. Further, there is no case made out for registering First Information Report under the Protection of Child from Sexual Offences Act, 2012. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. However, he submitted that the injured have been discharged from the Hospital.

5. It is seen from the allegations made in the First Information Report that the first accused was the main accused, who had indulged in eve teasing of the minor daughter of the defacto complainant. When this was questioned by the defacto complainant and her husband, they were attacked by the other accused. Now, the injured have been discharged from the Hospital. Taking the above factors into consideration, this Court is of the view that custodial interrogation of the petitioner is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 Special District Mahila Court (POCSO Act cases), Madurai 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 respondent police daily at 10.30 am., 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/-
30/07/2021

/ 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 JUDGE,
SPECIAL DISTRICT MAHILA COURT (POCSO ACT CASES),
MADURAI.
2. THE SUB INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10221 of 2021
Date :30/07/2021

mbi

USK/JM/SAR-III : 04/08/2021 : 3P/4C

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