



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10712 of 2021

Selvakumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Srivaigundam All Women Police Station,
Thoothukudi District.
In Crime No.11 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.KARUPPASAMY PANDIYAN, Advocate

For Respondent : Mr.T.SENTHILKUMAR
Government Advocate(Crl. side)

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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 448 of IPC and Sections 7 and 8 of Protection of Child from Sexual Offences Act, 2012 in Crime No.11 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a neighbour of the defacto complainant. The defacto complainant, aged about 15 years is studying 10th standard and when she was studying in the upstairs of her house, the petitioner held her hand and told that he wanted to discuss certain things. Threatened over the same, the defacto complainant lodged this complaint.

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



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

5. 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 learned Mahila Judge, Thoothukudi 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.

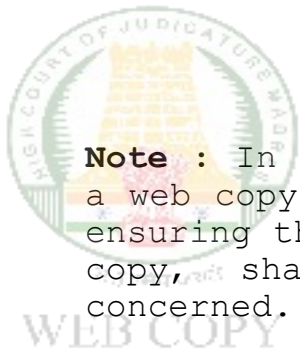
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
05/08/2021

/ 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 MAHILA JUDGE,
THOOTHUKUDI.
- 2.THE INSPECTOR OF POLICE,
SRIVAIGUNDAM ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10712 of 2021

Date :05/08/2021

SA/PN/SAR.2/17.08.2021/3P/4C