



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08.10.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.14675 of 2021

K.Kothandam ... Petitioner/Accused

Vs

The state represented by
The Inspector of Police,
Kattanoor Police Station,
Virudhunagar District.
Crime No.20 of 2021 ... Respondent/Complainant

For Petitioner : Mr.C.Christopher,
Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

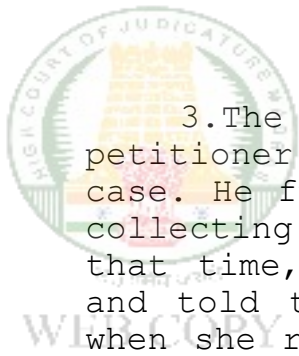
PRAYER :-

For Anticipatory Bail in Crime No.20 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
341, 323, 294(b) and 506(i) IPC, in Crime No.20 of 2021 on the file
of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant,
Kaleeswari is a widow and she is working as a Noon Meal Cook in the
Nutrition Meal Centre for the past three years. The allegation
against the petitioner is that he followed the de-facto complainant
and asked her to come with him, the de-facto complainant shouted at
the petitioner. On 09.09.2021 at 07.00 a.m., when the son of the
de-facto complainant, Sivaneswaran went to attend natural calls, the
petitioner has intercepted, abused and beat him on his mouth causing
bleeding injury, questioning him, as to why he committed sexual
harassment to the minor Kavitha, daughter of the petitioner's
younger brother, Chinnasamy and also criminally intimidated him.
Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submits that the said Kavitha and her friends were collecting neem bud on the west of Sri Oorkavalan Swamy Temple, at that time, the de-facto complainant's son Sivaneswaran came there and told that he would collect more neem bud near Karuvel trees, when she refused. But the said Sivaneswaran forcibly abducted her and also sexually harassed the the minor Kavitha. In this regard, the mother of the minor Kavitha gave a complaint before the All Women Police Station, Aruppukkottai and the same was registered in Crime No.17 of 2021 under the POCSO Act and after due enquiry and finding the truth, the son of the de-facto complainant was kept in Juvenile Prison. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed this petition on the ground that investigation is pending.

5.Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed. 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, Thiruchuzhi, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before 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]**.



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

sd/-
08/10/2021

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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,
THIRUCHUZH.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
KATTANOR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14675 of 2021
Date :08/10/2021

kmm

SS/VR/SAR-III/21.10.2021 : 3P/5C