



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.17175 of 2021

Ravikumar @ Ravi

... Petitioner/Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
Cr.No.55 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Pandiyaraj.S,
Advocate.

For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

C-30AB For Anticipatory bail in Crime.No. 55 of 2021 on the file of the Respondent Police

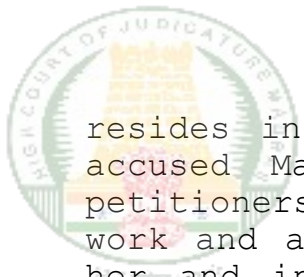
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9,10,11 of Prohibition of Children from sexual offences Act 2012 and 506(i) IPC, seeks anticipatory bail.

3.The case of the prosecution is that the defacto complainant is a Rural Welfare Officer and the victim girl's family

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resides in Thottiapatti, Peraiyur Taluk. On 15.06.2021, the first accused Maranaadu came to the victim girl's house with these petitioners at about 10.00am, when the victim girl's mother went to work and all the accused conjointly pulled her and caught hold of her and inspite of her strong refusal, the first accused tied a thali. Later, her mother returned home, she narrated the said incident to her mother with full of tears in her eyes. But her mother did not take a fuss out of it, but asked the victim girl to obey the words of the first accused.

4. The petitioner along with co-accused already moved Crl.O.P(MD) No.13600 of 2021 seeking Anticipatory bail. This Court, by order dated 16.09.2021 dismissed the said application against this petitioner based on submission of the Additional Public Prosecutor to the effect that this petitioner is involved in three previous cases.

5.Learned Counsel for the petitioner submits that this is the second petition filed before this Court, seeking anticipatory bail and inadvertently by referring other accused in similar name, it has been informed to this Court that three cases are pending against this petitioner.

6. Learned Government Advocate on verification has also confirmed the same.

7.Considering the submission made by the learned Government Advocate and grant of anticipatory bail to co-accused this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and 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 Special Court for Exclusive trial of cases under POCSO Act, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners shall report before respondent police as and when required.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.



[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
11/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

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 SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
NAGAIHPURAM POLICE
STATION, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17175 of 2021
Date :11/11/2021

RD/CN(17/11/2021) 3P 4C