



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.2915 of 2022

Alex @ Muthukumar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Mudukalathur Police Station,
Ramanathapuram District.
(Crime No.31 of 2022)

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 363 IPC altered into Section 363 IPC and Sections 5(1) and 6 of POCSO Act, in Crime No.31 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had kidnapped the victim girl and thereby committed the penetrative sexual assault. Hence, the complaint.

3.When the matter was taken up for hearing on 04.03.2022, considering the submission made by the learned counsel for the petitioner that the petitioner and the victim girl were in love and that she alone came out of her house and joined with the petitioner and also considering the submission made by the learned Additional Public Prosecutor that medical tests so far as the victim is concerned was over and the potency test is yet to be taken for the petitioner/accused, this Court has directed the respondent police to take necessary steps for subjecting the petitioner to medical examination.



4.In pursuance of the same, the learned Additional Public Prosecutor would submit that potency test was taken for the petitioner on 10.03.2022.

5.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love, that in the statement recorded under Section 164 Cr.P.C., she had disowned the earlier version and according to her, she had alone eloped with the petitioner. He would further submit that the victim girl is aged about 17 years.

6.Considering the above facts and circumstances and also the facts that the medical examination of the victim as well as the petitioner was already over and that investigation is almost completed except receiving the medical test reports, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Sessions Judge, Special Court for POCSO Cases, Ramanathapuram, 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 Judge 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 Sessions Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the 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 Sessions Judge /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 Sessions Judge/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/-

25/03/2022

/ TRUE COPY /

/ /2022

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



CSM

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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO CASES,
RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2915 of 2022

Date :25/03/2022

SS/JM/SAR:IV/01.04.2022 : 3P/4C