



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4419 of 2022

Muniyasamy

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Mudukalathur Police Station,
Ramanathapuram District.
Cr.No.31 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.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/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 363 of IPC @ Section 363 of IPC and Section 5(1) & 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 first accused has abducted the victim girl and committed the above said offences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the first accused was in love with the victim and that the petitioner is innocent and he has nothing to do with the alleged occurrence. He would further submit that the co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD)No.3329 of 2022, dated 23.02.2022.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the victim is now in Home and that the medical examination of the victim is over and report is awaited.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the petitioner is not having any bad antecedents and that the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation;

(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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/03/2022

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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.

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

ORDER
IN
CRL OP(MD) No.4419 of 2022
Date :08/03/2022

RS/SBN/SAR.1(16.03.2022) 3P-4C