



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/05/2022
PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD).No.6828 of 2022

Palpandi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Saptoor Police Station,
Madurai District.
(Crime No.45/2022).

... Respondent/Complainant

For Petitioner : M/s.JINNAH.S.M.A,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.45 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 Sections 7 and 8 of Protection of Child from the Sexual Offences Act, in Crime No.45 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner herein has been arrayed as a sole accused in Crime No.45 of 2022, wherein among other offences he has been implicated for the offence under the POCSO Act. It is the case of the petitioner that earlier there was an occurrence on 27.03.2022 wherein he was assaulted, for which he had given a complaint on 28.03.2022 against the de-facto complainant and the same was registered in Crime No.41 of 2022.

3.According to the learned Counsel for the petitioner, there is a dispute between two parties with regard to the construction of a compound wall and the present complaint in Crime No.45 of 2022 has been given only to overcome the earlier complaint against the de-facto complainant's relatives.



4.A perusal of the FIR reveals that the incident seems to have occurred on 27.03.2022 at 03.00 p.m. which was witnessed by the victim's grandmother. However, they have chosen not to give complaint till 01.04.2022 and there is no explanation with regard to that. The motive attributed by the petitioner herein claims significance. However, these matters are subject to the investigation to be conducted by the respondent police. In view of the *prima facie* case made out by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate, Peraiyur, 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 the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[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]**.

sd/-
05/05/2022

/ TRUE COPY /

17/05/2022
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
PERAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAPTOOR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6828 of 2022

Date :05/05/2022

SA/SVR/SAR.2/17.05.2022/3P/5C