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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16427 of 2022

Manikandan

... Petitioner

Vs

The State rep.by
The Sub Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No. 20 of 2022).

... Respondent

For Petitioner : M/s.VAIGUNTH.A.S.,

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 20 of 2022 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 376 IPC r/w 5(1) and 6 of POCSO Act, in Crime No.20 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to love affair between the petitioner and the defacto complainant, the petitioner gave a false promise to marry the victim and had physical relationship with her. Subsequently, he refused to marry her. Hence, the complaint.

3.On the side of the petitioner it is stated that a false case was foisted against the petitioner. The petitioner did not love the defacto complainant, a false case was foisted against the petitioner. Hence, prays to release him on anticipatory bail.

4.On the side of the prosecution, it is stated that the petitioner gave a false promise to marry the victim and had physical relationship with her and prayed to dismiss the petition.



5. From the statement of the victim under Section 164, reveals the fact that the defacto complainant was not in love with the petitioner. Considering the nature of the offence and the circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate NO.I, Kovilpatti, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

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/09/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. VAIGUNTH A S Advocate SR.No.9947

ORDER

IN

CRL OP(MD) No.16427 of 2022

Date :13/09/2022

PNM

SA/SVR/SAR.1/19.09.2022/3P/6C