



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16206 of 2022

S.Raja Jegan

... Petitioner/ Sole Accused

Vs

1.The State rep.by,
The Inspector of Police,
All Women Police Station,
Sivagangai District.
Crime No.21 of 2022.

... Respondent/Complainant

2.S.Irudhayamary

...Petitioner/Mother of the Victim
in Crl MP(MD)No.11017 of 2022

For Petitioner : M/s.Jeyakumaran J, Advocate.

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

For Intervenors : Mr.L.Prabakaran, Advocate

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

PRAYER :-

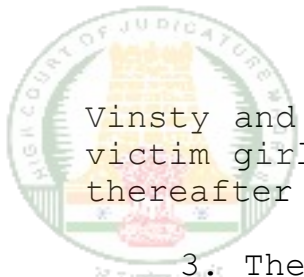
For Anticipatory Bail in Crime No.21 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 7 r/w 8 of Protection of Child From Sexual Offences Act, 2012 and Section 506(ii) of IPC, in Crime No.21 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the Father of the R.C.Church situated in Punitha Sossaiyappar, R.C. School campus at Kalaiyar Kovil. On 16.08.2022, the petitioner

<https://www.madras.gov.in/>



Vinsty and also threatened them with dire consequences. He the victim girls informed the same to the Head Master of the School and thereafter she lodge a complaint before the respondent police.

3. The learned counsel for the petitioner would submit that due to personnel motive, a false case has been foisted against the petitioner and the parents of the victim girls stated that no such incident was happened on the date of occurrence and they have not given any statement as against the petitioner. He would further submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that in the statement recorded under Section 164 Cr.P.C., the victim girls have not implicated the petitioner and the investigation is not yet completed.

5. Heard the learned counsel appearing for the intervenors and also perused the statement of the victim girls recorded under Section 164 Cr.P.C.

6. Considering the facts and circumstances and also considering the the fact that the victim girls have not implicated the petitioner in the statement recorded under Section 164 Cr.P.C, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Exclusive Trial of Cases under the POCSO Act, Sivagangai, 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 until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation



(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/-

20/09/2022

/ TRUE COPY /

/09/2022

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

cp

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 THE POCSO ACT,
SIVAGANGAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.J.JEYAKUMARN, Advocate (SR-10240[I] dated 20/09/2022)

ORDER

IN

CRL OP(MD) No.16206 of 2022

Date : 20/09/2022

RK/GB/SAR-1 (30/09/2022) 3P/5C