



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16552 of 2022

Rajendran

... Petitioner/Petitioner

Vs

The State represented by
The Inspector of Police,
Sivagangai,
Sivagangai District.
(Crime No.17 of 2022)

... Respondent/Complainant

For Petitioner : M/s.S.Valmekanathan,Advocate.

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.17 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448 and 506(i) of IPC and Section 7 and 8 of POCSO Act, 2012 altered into Section 448, 506(i) of IPC and Section 3 and 4 of POCSO Act, 2012 in Crime No.17 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/accused A2 along with the first accused has bursted crackers during Diwali. Due to crackers sound, a cow that belonged to the defacto complainant ran away. Hence, a wordy quarrel arose between the petitioner and the defacto complainant. The first accused had entered into the house of the defacto complainant and misbehaved with his 5 years old daughter. Hence the complaint.



3.The learned counsel for the petitioner submitted that the petitioner was already granted anticipatory bail. Due to covid situation, he could not produce sureties. He has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that the first accused is the son and the second accused is the father. Investigation in this case has been completed and was taken cognizance as Spl.S.C.No.1 of 2022 and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case and considering the nature of the offence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and 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 Special Court for the Exclusive trial of cases under the POCSO Act, 2012, Sivagangai, Sivagangai 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 two weeks and thereafter as and when required for further 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 registered under Section 229-A IPC.

sd/-
15/09/2022

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/09/2022

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF
CASES UNDER THE POCSO ACT, 2012, SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 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.S.VALMEKANATHAN, Advocate (SR-10047[I] dated 15/09/2022

ORDER

IN

CRL OP(MD) No.16552 of 2022

Date :15/09/2022

pnn

PKP/SBN/SAR-1/21.09.2022/3P/5C