



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.16769 of 2022

WEB COPY

1. Paraman
2. Suresh @ Viyalan
3. Muthupandi
4. Sangili

... Petitioners/Accused 1-4

Vs

State Rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.58 of 2022).

... Respondent/Complainant

For Petitioners : M/s.K.Appadurai, Advocate.
For Respondent : Mr.M.Veerendhiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.58 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 342, 294(b), 323, 324 and 506(2) of IPC, in Crime No.58 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 07.02.2022, when the defacto complainant came near the Kaliyamm Koil Street, the petitioners herein alleged to have intercepted and questioned the defacto complainant for giving sexual torture and sexual assault on the minor female children and also assaulted him with stick. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that a case in Crime No.4 of 2022, for the offences under Section 8, 11(2) and 12 of the Protection of Child from Sexual Offences Act, 2012 is pending against the defacto complainant and in the said case, the defacto complainant was arrested and thereafter, released on bail.



4.The learned Government Advocate (Crl.Side) would submit that the the victim sustained simple injury and injured has been discharged from the hospital. He would further submit that no previous case is pending against the petitioners and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/09/2022

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/09/2022

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, 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, THENKARAI POLICE STATION, THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.APPADURAI K, Advocate (SR-10168[I] dated 19/09/2022)

ORDER
IN
CRL OP(MD) No.16769 of 2022
Date :19/09/2022

cp
RS/VR/SAR.1(27.09.2022) 3P-6C