



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/10/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.18121 of 2022

M.Kaleeswaran

... Petitioner/Accused No.5

Vs

The State Rep. By,
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.240/2022).

... Respondent/Complainant

For Petitioner : M/s.Malaikani.S,
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 Cr No.240/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 11 (ii) r/w Section 12 of the Protection of Children from Sexual Offences Act and Section 294(b) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.240 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, when the victim boy was returning from tuition, the petitioner and other accused waylaid the victim and removed his cloths and made him to parade to the Mariamman Temple and videographed the same and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the father of the first and second accused. He is not



at all present in the scene of occurrence. He would further state that the petitioner is an innocent and he has been falsely implicated in this case.

The petitioner shall abide any condition imposed by this Court and he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police strongly opposed for grant of anticipatory bail to the petitioner on the ground that the petitioner and other accused have made sexual offence on the victim boy and the petitioner and other accused earlier moved an anticipatory bail application before this Court in Crl.O.P(MD) No.16072 of 2022 and the same was dismissed. He would further submit that eleven witnesses have been examined so far and the investigation is almost over.

5.Considering the facts and circumstances of the case and considering the charges levelled against the petitioner and also the fact that investigation is almost over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Sessions Judge, Special Court for POCSO Act Cases, 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 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 respondent police daily at 10.30 a.m., until further orders;

[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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2022

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

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI.
2. THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-11269[I] dated 12/10/2022)

ORDER
IN
CRL OP(MD) No.18121 of 2022
Date :12/10/2022

cp
USK/SBN/SAR-I/19.10.2022/3P/5C