



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 06/10/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17689 of 2022

S.Ahastheeswaran

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Usilampatti  
Madurai District.  
(Cr No.22/2022).

... Respondent/Complainant

For Petitioner : Mr.S.Ramsundarvijayraj, Advocate

For Respondent : Mr.B.Nambiselvan  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr No.22/2022 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 offences punishable under Sections 506(i) IPC and 11(1), 12 of POCSO Act, 2012, in Crime No.22 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim, who is the daughter of defacto complainant and the petitioner were loved each other. The petitioner used to talk with the victim over phone and the same was objected by the victim's parents. After some time, due to the bad activities of the petitioner, the victim also severed the relationship with him, over which, on 23.09.2022, when the victim came out of her school, the accused stalking her, abused her in filthy language and also threatened her that he would not leave her peacefully and he would also cause trouble in her marriage life. Hence, the complainant.



3. On the side of the petitioner, it is stated that due to love affair, the petitioner used to talk with the victim and at the instigation of victim's parents, a false case was foisted against him. The petitioner has not committed any offence, as alleged by the prosecution. Hence, prays to release the petitioner on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioner is a drug addict person. The victim was 17 years, at the time of occurrence. In spite of several warnings, the petitioner used to cause disturbance to the victim. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case and considering the nature of allegation levelled against the petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail.

6. Accordingly, this Criminal Original 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 Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Madurai, 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 Judge concerned and on further conditions that:

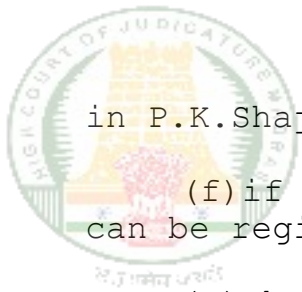
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two months and thereafter as and when required for interrogation and appear before the trial Court on all hearings;

(c) the petitioner shall not tamper with the 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 Judge/ 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 Judge/ 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

(g) the petitioner should not have any communication with the victim, failing which, the anticipatory bail order passed by this Court, shall stand cancelled automatically.

sd/-

06/10/2022

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/10/2022

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

TO

- 1 THE SESSIONS JUDGE,  
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF  
POCSO ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, USILAMPATTI,  
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-10972[I] dated 06/10/2022 )

ORDER

IN

CRL OP(MD) No.17689 of 2022

Date : 06/10/2022

pnm

PKP/GB/SAR /10.10.2022/3P/5C