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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP(MD). No.20352 of 2022

Murugesan

... Petitioner/Sole Accused

Vs

1. The State rep.by,
The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
Cr.No.16/2022.

...1st Respondent/Complainant

2. Megarnisha

...2nd Respondent/
Defacto Complainant

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

For R1 : 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.16/2022 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 Sections 5(1) r/w 6 of POCSO Act, in Cr.No.16 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to love affair, the petitioner had sexual relationship with the victim, who was aged about 16 years and thereafter, refused to marry her. Hence, the



3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court in Crl.O.P.(MD) No.17103 of 2022, dated 28.10.2022. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The occurrence took place in the year 2020 and a false case has been foisted against him only in the year 2022. Hence, he prays for grant anticipatory bail.

4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that the age of the victim was only 16 years at the time of occurrence and the petitioner had committed aggravated sexual assaulted on her. He would further submit that the investigation has been completed and the charge sheet has already filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 learned Sessions Judge (Fast Track Mahila Court), Ramanathapuram, 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 concerned Court 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 Sessions Judge/concerned Court 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 or trial;

(e)on breach of any of the aforesaid conditions, the learned Sessions Judge/concerned 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 Sessions Judge/concerned 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/-
17/11/2022

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

sj i

TO

1. THE SESSIONS JUDGE (FAST TRACK MAHILA COURT), RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEELAKARAI,
RAMANATHAPURAM DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VISHNU VARDHAN, Advocate (SR-13230[I] dated
18/11/2022)

ORDER
IN
CRL OP(MD) No.20352 of 2022
Date :17/11/2022

RD/SSS/SAR-2 (23/11/2022) 3P/5C