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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20442 of 2022

Kandhasamy

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
Crime No.159 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Micheal Heldon Kumar 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 Crime No.159 of 2022 on the file of the Respondent Police.

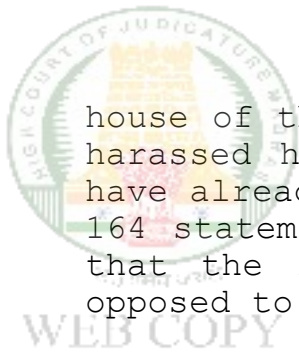
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376 IPC and Section 7 r/w. 8 of POCSO Act, in Cr.No.159 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have kidnapped the victim girl from the defacto complainant's house and went to Tiruppur and the A1 has sexually harassed her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the victim is aged about 17 years and the A1 to A6 trespassed into



house of the victim girl and kidnapped her and the A1 has ly harassed her. He would further submit that A1, A3, A4, A6 and A2 have already released on bail and 8 witnesses have been examined and 164 statement of the victim was recorded. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused have already released on bail and that 8 witnesses have been examined and 164 statement also been recorded, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for POSCO Cases, Tirunelveli 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 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 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 can be registered under Section 229-A IPC.

sd/-

18/11/2022

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



TO

- 1 THE JUDGE, SPECIAL COURT FOR POCSO CASES, TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE, SURANDAI POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20442 of 2022

Date :18/11/2022

TRP

RS/SSS/SAR.2(29.11.2022) 3P-4C