



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

Date : 25/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20845 of 2022

Jegan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
(Crime No.11 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar P,
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.11 of 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 offence punishable under Section 341 of IPC and Sections 11(1) r/w 12 of POCSO Act, in Crime No.11 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.08.2022 at about 08.00 a.m., when the de-facto complainant was waiting in the bus-stop for going to school, the petitioner came there and made sexual harassment and also threatened her. Hence, the case was registered against the petitioner.

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, dated 27.10.2022 in Crl.O.P.(MD)No.15238 of 2022. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl. side) would submit at the victim girl is aged about 15 years and the petitioner is aged about 32 years and statement under Section 164 of Cr.P.C of the victim girl is recorded and 11 witnesses have been examined and major part of the investigation is almost over. The petitioner is having no previous case. He would further submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 27.10.2022 in Crl.O.P.(MD)No.15238 of 2022. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is not having any bad antecedents and 11 witnesses have been examined and major part of the investigation is almost over and also taking note of the statement under Section 164 of Cr.P.C. given by the victim girl, 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 learned Sessions Judge, Special Court for Exclusively Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputtur, 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 Sessions 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 Sessions Judge 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/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 Sessions 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/11/2022

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/12/2022

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

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVELY TRIAL OF CASES
UNDER POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-13752[I] dated 25/11/2022)

ORDER
IN
CRL OP(MD) No.20845 of 2022
Date :25/11/2022

sjj
USK/VR/SAR-IV/07.12.2022/3P/5C