



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.20899 of 2022

WEB COPY

Ravi Karthikeyan

...Petitioner/Sole Accused

-Vs-

State through represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(in Cr.No.34 of 2022)

...Respondent/Complainant

Akila

... Petitioner/Intervener
(De-facto Complainant)
In Crl.MP (MD).15043/2022 in
Crl.OP (MD).20899/2022

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.34 of 2022.

For Petitioner : Mr.S.Vikram

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

For Intervenor :Mr.P.M.Vishnuvardhan, Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 354A and 509 IPC and Section 8 of POCSO Act, in Crime No.34 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Akila, is that she has got a minor girl aged about 13 years. While so, her father passed away at her native place at Uthamapalayam on 03.10.2022 and they had come to attend the funeral. While so, on 04.10.2022, her junior maternal uncle, Ravi Karthikeyan, the accused herein, had come to her house and abused her mother and called her to share his bed with him and he has also told that if the mother is not available, asked her to send the 13 year old minor



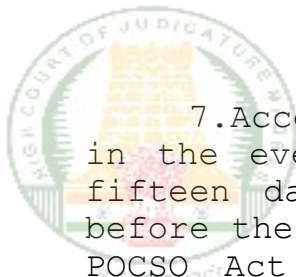
daughter to him and that he is also continuously abusing and also intimidated her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner and the de-facto complainant are close relatives. There was suit pending between the petitioner and the de-facto complainant's father in respect of ancestral property in O.S.No.17 of 2008 on the file of the Additional District Court, Periyakulam, in which, the petitioner succeeded and thereafter, the de-facto complainant's father had filed an appeal before this Court in A.S(MD)No.276 of 2014 and the first appeal also came to be dismissal in favour of the petitioner on 17.08.2017. Even thereafter, there had been disputes pending between the petitioner's family and the de-facto complainant's family and in order to wreck vengeance on the petitioner, the de-facto complainant has given a false complainant using her 13 year old minor daughter. He would submit that when the disputes are pending, there is no necessity for the petitioner to go to the house of the de-facto complainant's mother. He would further submit that as per the statement of the de-facto complainant, the petitioner is only alleged to have inappropriately touched the breast of the minor victim girl. He would further submit that the entire case is a fabricated one. He would further submit that there is a grave delay in preferring the complaint, as the alleged occurrence is stated to have taken place on 03.10.2022 and the de-facto complainant, without preferring a complainant to the respondent Police, has given a complaint to the Superintendent of Police only on 16.11.2022. Only thereafter, the case has been registered.

4.The learned Government Advocate (Crl.side) would submit that the case has been registered based on the instructions from the Superintendent of Police. He would submit that the investigation has been going on and the victim minor girl has given statement. He also produced the statement recorded from the victim girl under Section 164 Cr.P.C. He would object for grant of bail.

5.The learned Counsel for the intervenor would submit that though the petitioner is a close relative of the de-facto complainant, the petitioner had come to the house of the de-facto complainant in an inebriated condition and had abused the de-facto complainant's mother in obscene and filthy language and had also inappropriately touched the breast of the minor victim girl and he would oppose for grant of anticipatory bail.

6.Taking into consideration the facts and circumstances of the case and on perusing the records and also the statement recorded from the victim minor girl under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Fast Track Court Mahila Court & Special Court for POCSO Act Cases, Theni, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 stay at Chennai and report before the Adayar Police Station, Chennai everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 am before the respondent.

[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]**.

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

sd/-

08/12/2022

/ TRUE COPY /

09/12/2022

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

TO

1 THE JUDGE,
FAST TRACK MAHILA COURT & SPECIAL COURT FOR
POCSO ACT CASES, THENI.

<https://www.mhc.tn.gov.in/judis>



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ADAYAR POLICE STATION,
CHENNAI.

+1. CC to M/S.VIKRAM S Advocate SR.No.14542

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.14574

ORDER

IN

CRL OP (MD) No.20899 of 2022
Date :08/12/2022

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SA/VRS/SAR. /09.12.2022/4P/7C