



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20875 of 2022

Hariharan, ... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Karuppayurani Police Station,
Madurai

(Crime No.103 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Rameshkumar D,
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.103 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 offences punishable under Section
22 of POCSO Act and Sections 211 and 182 IPC in Crime No.103 of
2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working
as a Headmaster in a Government High School at Varichur, Madurai
District and he received a complaint through a complaint box from
three children and the same was forwarded to the concerned
authorities for taking appropriate action. During the course of
investigation, the above said three children stated that only on the
inducement of the petitioner, they lodged the said complaint. Hence,



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. Further, the petitioner being headmaster received a complaint from three children and he forwarded the same for concerned authorities taking appropriate action. Based on that, a case has been registered in Crime No.75 of 2022 against one Amutha and one Anbalagan. Later point of time, the said Amutha preferred a complaint against the petitioner and a case has been registered by the respondent police in Crime No.568 of 2022 and the petitioner was arrested when he was in custody in order to escape from the earlier complaint, the above said Amutha and Anbalagan threatened the children and induced them to give such statement. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner is having one previous case and 14 witnesses have been examination and the investigation is still pending. However, considering the gravity of offence, 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 14 witnesses have already been examined, 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 Special Court for Exclusive Trial of POCSO Act, 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 Special 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 Special 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 Special Judge/concerned Court is entitled to take appropriate



action against the petitioner in accordance with law as the conditions have been imposed and the petitioner released on bail by the learned Special 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/-
25/11/2022

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/12/2022

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

SJI

TO

1. The Special Court for Exclusive Trial
of POCSO Act, Madurai.
2. The Inspector of Police,
Karuppayurani Police Station, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.20875 of 2022
Date : 25/11/2022

TR/SSS/SAR-III(07.12.2022) 3P 4C