



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

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

CRL.O.P (MD) No.21127 of 2022

Balamurugan

...Petitioner/Sole Accused

-vs-

State repby

The Inspector of Police,

All Women Thilagar Thidal Police Station,

Madurai District.

(in Crime No.50 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 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.50 of 2022.

For Petitioner : Mr.C.Susi Kumar, Advocate

For Respondent : Mr.A.Albert James

Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 7 and 8 of POCSO Act in Crime No.50 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused is a Conductor in the State Transport Corporation and that on 15.10.2022, while she was travelled in the bus, the petitioner has inappropriately touched her and had also asked her phone number. 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. The learned Counsel for the petitioner would submit that this is a second application for anticipatory bail. He would submit that the petitioner is a Conductor working in the State Transport Corporation without any blemish for the past five years. The victim



minor girl, who used to travel in the bus in a free pass issued by the Government, has extended her travel beyond the place assigned to her and thereby, it was questioned by the petitioner and he had also made a complaint to the Branch Manager. While so, the de-facto complainant's brothers have come to the place of employment of the petitioner at Mattuthavani bus stand and abused him and assaulted him on 05.10.2022 in respect of which, on the complaint given by the petitioner, a case in Cr.No.395 of 2022 has been registered against the brother of the de-facto complainant, one Madhan Kumar and his friend one Dinesh and coming to know about the registration of the case, the accused in the earlier case have preferred this false complaint through their minor sister on the next day. He would further submit that this information was not available during the hearing of the earlier petition and thereby, the same came to be dismissed in CrI.O.P.(MD)No.19639 of 2022.

4.The learned Government Advocate (CrI.side) would submit that the allegation against the petitioner is that he is a Conductor in the State Transport Corporation and that he has inappropriately touched the minor victim girl and has also asked her phone number.

5.Heard the learned Counsel on either side. Taking into consideration the facts and circumstances of the case including the FIR in Cr.No.395 of 2022, dated 15.10.2022 given by the petitioner, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Sessions Judge for POCSO Court, 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 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 report before the respondent police everyday at 06.30 p.m., for a period of two weeks and thereafter, every Saturday at 06.30 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]**.
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sd/-
08/12/2022

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

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TO

1. THE SPECIAL SESSIONS JUDGE FOR
POCSP COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN THILAGAR THIDAL POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.21127 of 2022
Date :08/12/2022

SP/BUC/SAR II/16/12/2022/3P/4C