



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

PRESENT

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

CRL.O.P(MD)No.21857 of 2022

Selva Thaines

... Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
AWPS-Nanguneri Police Station,
Tirunelveli District.
(in Cr.No.18 of 2022)

... Respondent/Complainant

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.18 of 2022.

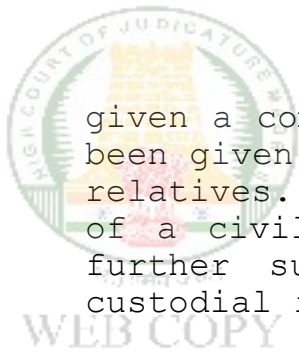
For Petitioner	: Mr.Kathirvelu
	Senior Counsel for Mr.K.Prabhu
For Respondent	: Mr.A.Albert James
	Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 447 and 506(i) IPC and Sections 7 and 8 of POCSO Act, 2012 in Crime No.18 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, minor XXXX, is that on 08.10.2022 at about 10.15 am, while she was alone at home, the accused had trespassed into her house and had inappropriately touched her breast and she had immediately rushed out of the house and at that time, the accused had threatened her saying that he would come back again and she was mentally agonized and she did not give any complaint immediately and that she discussed with her relatives and gave a complaint on 17.10.2022.

3.The learned Senior Counsel for the petitioner would submit that the petitioner is an innocent and due to a previous enmity, a false complaint has been given. He would also submit that if at all the incident had been happened, the victim would have immediately



given a complaint to the respondent Police and that a complaint has been given after a period of about nine days after deliberation with relatives. He would submit that only to wreck vengeance on account of a civil dispute, a false complaint has been given. He would further submit that in this case, there is no requirement of custodial interrogation of the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner had trespassed into the house of the de-facto complainant on 08.10.2022 at 10.15 am and had misbehaved with the victim minor girl. However, he would submit that the complaint has been given only on 17.10.2022. He would oppose to grant anticipatory bail.

5.Taking into consideration the facts and circumstances of the case and on perused the materials available on record including the 164 Cr.P.C. statements of the victim minor 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for Exclusive Trial of POCSO Act, 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 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 Ramanathapuram and report before the Ramanathapuram Town Police Station everyday at 10.30 a.m., for a period of four weeks and thereafter, shall report before the respondent Police everyday 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]**.



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

sd/-

12/12/2022

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

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO ACT,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
AWPS NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.PRABHU.K, Advocate (SR-14699[I] dated 12/12/2022)

ORDER

IN

CRL OP(MD) No.21857 of 2022

Date :12/12/2022

cmr

USK/VR/SAR-I/20.12.2022/3P/6C