



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22606 of 2022

Deepak

... Petitioner/Accused No.7

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Alangulam,
Thenkasi District.
Crime No.19 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ranjith N,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

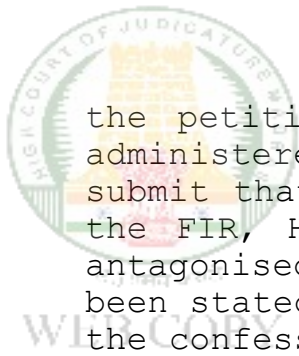
PRAYER :- For Anticipatory Bail in Crime No.19 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 r/w. 5(i)(j)(ii) of POCSO Act in Crime No.19 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had forcibly committed sexual intercourse on the victim girl who is aged about 12 years. Due to which she became pregnant and the accused had administered abortion pills to her and caused abortion and also threatened her. Hence the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since he happens to be friend of the first accused. He would further submit that this is the third anticipatory bail petition and the earlier petition was dismissed on the ground that investigation is in initial stage and that the arrested accused are still in custody. Subsequently now all the other accused have been arrested and released on bail. The only allegations attributed as against



the petitioner is that he is the medical store owner and had administered abortion pills to the victim girl. He would further submit that no allegations has been made against the petitioner in the FIR, However due to the instigation of the persons who were antagonised against the petitioner, the name of the petitioner has been stated in the 164 statement of the victim girl as well as in the confession statement recorded. He would further submit that the arrested accused have been enlarged on bail and there may not be any requirement of custodial interrogation of the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is the friend of main accused and he is the medical store owner and the allegation levllled against him is that the had administered abortion pills to the victim girl after finding that the victim girl become pregnant

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submission of the learned counsel for the petitioner , this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Court for Exclusive Trial of cases under POCSO Act, Tirunelveli, Tirunelveli District 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 10.30 a.m.,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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



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

sd/-

23/12/2022

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/01/2023

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

AAV

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ALANGULAM,
THENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RANJITH N Advocate SR.No.15568 (I) Date:26/12/2022.

ORDER

IN

CRL OP(MD) No.22606 of 2022
Date :23/12/2022

SA/MMS/SAR.2/05.01.2023/3P/5C