



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3780 of 2023

Rajaram

... Petitioner/A2

Vs

The State represented by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.170/2022).

... Respondent/Complainant

For Petitioner : Mr.S. Prabhu,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.170/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section "Girl Missing" @ Sections 5 and 6 of POCSO Act 2012 of I.P.C., in Crime No.170 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused had kidnapped the minor victim girl and committed sexual assault upon her. Hence, the complaint

3.Heard. Perused the materials available on record including the First Information Report and the statement recorded from the victim girl under Section 164 of Cr.P.C.

4.Even according to the case of the prosecution, the petitioner is the brother of the first accused. The first accused and the victim girl were loved each other and the first accused had taken the victim girl and kept her in his illegal custody. The allegation against the petitioner is that he pushed the victim girl inside the



room and locked the door. Except this allegation, there is no other allegation attributed against the petitioner for the offence under Sections 5 and 6 of POCSO Act. Therefore, the custodial interrogation of the petitioners does not require in this case.

5. Considering the facts and circumstances of the case, 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 Mahila Court (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 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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/-

07/03/2023

/ TRUE COPY /

/03/2023

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



1 THE JUDGE
MAHILA COURT (POCSO ACT), MADURAI.

2 THE INSPECTOR OF POLICE
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to S. PRABHU Advocate SR.No.3703

ORDER
IN
CRL OP (MD) No.3780 of 2023
Date :07/03/2023

SS/SAR IIII/15/03/2023/3P/5C