



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



Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

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

CRL.O.P(MD)No.3746 of 2023

Muneeswaran

...Petitioner/Sole accused

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Samayanallur
Madurai District.
(in Cr.No.1 of 2023)

...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.01 of 2023.

For Petitioner
For Respondent

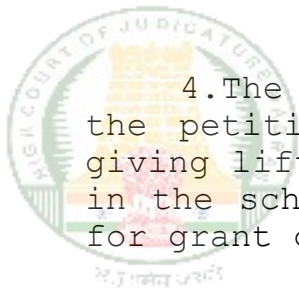
: Mr.S.Pooranachandran
: Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 366 IPC and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.01 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Kaleeswari is that the accused had contacted her minor daughter in the guise of dropping her to school in a two wheeler and taken her to some other places and later he dropped her in the school. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner and the defacto complainant are relatives and there was friendship between the defacto complainant's daughter and the petitioner. However, it was objected to by the family members and false complaint has been given as if the petitioner had against her wishes taken her in a motorcycle and there is no allegation of sexual assault. He would seek for anticipatory bail.



4. The learned Government Advocate (Crl.side) would submit that the petitioner is known to the victim girl and in the guise of giving lift had picked her up in a two wheeler and later dropped her in the school and he had harassed the victim girl. He would oppose for grant of anticipatory bail to the petitioner.

5. Heard and perused the materials available on record including the statement recorded under Section 164 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case and on perusing the statement recorded under Section 164 Cr.P.C, 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 Judicial Magistrate, Vaadipatti, 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 for a period of one week 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.

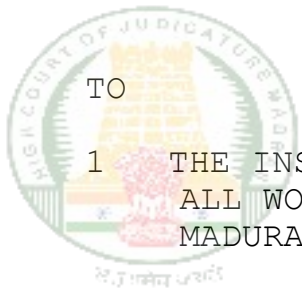
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
01/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SAMAYANALLUR,
MADURAI DISTRICT.

2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.3143

ORDER

IN

CRL OP(MD) No.3746 of 2023

Date :01/03/2023

SI(08.03.2023) 3P/ 4C