



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

Date : 09/03/2023

PRESENT

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

CRL OP(MD) . No.3959 of 2023

Kasinathan

... Petitioner / Sole Accused

Vs

The State Rep by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District
(Crime No.51 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Kannan.G, Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.51 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 5 (1) and 6 of Protection of child from sexual offences Act,2012 in Crime No. 51 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner on the false promise of marrying the victim girl had physical relationship with her and thereafter refused to marry her, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report and the statement of the victim recored under section 164 of Cr.P.C.

4. It is seen that the petitioner was in love with the victim girl aged about 17 years and on perusal of the statement of the victim recorded under section 164 of Cr.P.C it is seen that



there is no physical relationship between the petitioner and the victim and in order to prevent the love affair the present case has been registered, hence this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 Mahila Court, Theni 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 respond to police daily at 10.30 am., 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/-

09/03/2023

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

AAV

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To

1.The Judge,
Mahila Court,
Theni.

2.The Inspector of Police,
Kadamalaikundy Police Station,
Theni District.

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

+1. CC to M/S.KANNAN.G Advocate SR.No.3888(I) dated 10.03.2023

ORDER

IN

CRL OP(MD) No.3959 of 2023

Date :09/03/2023

ED/SBN/SAR-3 (14/03/2023) 3P 5C