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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/03/2023

PRESENT

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

CRL OP(MD) . No.4400 of 2023

Mathanraj,

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
All Women Police Station,  
Srivaikundam,  
Thoothukudi District.  
Crime No.14 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Muthuvai Ilayaraja.K,Advocate.

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 7 and 8 of POCSO Act in Crime No. 14 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 02.09.2022 at about 7.00 pm., the accused persons trespassed into her house in a drunken mood and pulled her hands with an intention to misbehave with her. The father of the defacto complainant came to the spot and the accused quarrel with the father of the defacto complainant and assaulted him, hence the case.



3. Heard. Perused the materials available on record the First Information Report.

4. It is also seen that the petitioner's wife has lodged complaint against the father of the victim and the same was registered under the POCSO act and after filing final report the same has been taken cognizance by the trial Court in Spl.S.C. No.109 of 2020 and the father of the victim is facing trial and now the victim had lodged complaint as against the petitioner in wreck vengeance against the petitioner herein. On perusal of the statement recorded under section 164 of Cr.P.C it is revealed that the he had only pulled the hands and also scolded her in filthy language, therefore custodial interrogation of the petitioners may not be required, 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 Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi 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].



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

sd/-  
08/03/2023

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/03/2023

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

AAV

TO

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

+1 CC to M/s.K.MUTHURAJ ILAYARAJA, Advocate (SR-3687[I] dated 08/03/2023 )

ORDER  
IN  
CRL OP(MD) No.4400 of 2023  
Date :08/03/2023

PKP/ /SAR-3/15.03.2023/ **3P/5C**