



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

WEB COPY

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

CRL OP(MD) . No.5345 of 2023

Chinnan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station
Tirumangalam
Madurai.
Crime No. 5 of 2023.

... Respondent/Complainant

For Petitioner : Mr.M.Arun Srivastava,
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. 5 of 2023 on the file of the respondent Police.

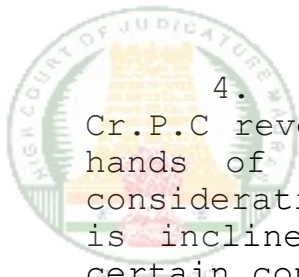
ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 448 of IPC and sections 7 and 8 of the Protection of Children from Sexual Offence Act,2012 in Crime No. 05 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.02.2023 at about 3.00 a.m., the petitioner herein had gone to the house of the defacto complainant and tried to misbehave with the daughter of the defacto complainant who was sleeping in the house, 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 recorded under section 164 of Cr.P.C .





4. A perusal of the statement recorded under section 161 of Cr.P.C reveals the fact that the petitioner herein only touched the hands of the victim girl, while she was sleeping. Taking into consideration of the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

WEB COPY

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 learned District Judge, Special Court for Exclusive Trial of cases under 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 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/-
23/03/2023

/ TRUE COPY /

/03/2023

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



TO

1 THE DISTRICT JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, MADURAI

2 THE INSPECTOR OF POLICE
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
TIRUMANGALAM
MADURAI.

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

+1. CC to M.ARUN SRIVASTAVA Advocate SR.No.4770

ORDER

IN

CRL OP(MD) No.5345 of 2023

Date :23/03/2023

MGJ/MMS/SAR 2(24.03.2023) 3P 5C