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CRL OP(MD).



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

Date : 30/03/2023

PRESENT

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

CRL OP(MD) . No.6022 of 2023

Nambi

... Petitioner/Accused

Vs

State rep. by,
The Inspector of Police,
All Wome Police Station Vallioor,
Radhapuram,
Tirunelveli District.
(In Crime No.2/2023).

... Respondent/Complainant

For Petitioner : Mr. K.Sivabalan,
Advocate.

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

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

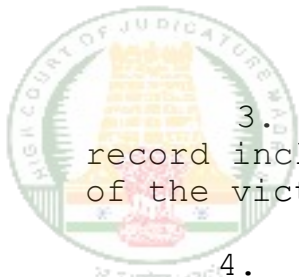
PRAYER :-

For Anticipatory Bail in Crime no.2/2023 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 section 3 r/w. 4 of POCSO Act in Crime No. 2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim are lovers and out of the said love affair they had physical relationship. When it came to the knowledge of the father of the victim, the present case has been registered.



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

4. A perusal of the statement of the victim recorded under section 164 of Cr.P.C reveals the fact that on the birthday date of the petitioner he called the victim and went to the remote place, where he touched her chest. The victim has also informed the same to her father and he has given the complaint. Except the above overt act no other allegation has been levelled as against the petitioner. That apart the petitioner is aged about 18 years only and there was a love affair between the petitioner and the victim. Taking into consideration all the above facts, 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 POC SO Court, Tirunelveli 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 file an undertaking affidavit before the respondent police that he will not indulge in similar type of activities again and further the petitioner shall report before the respondent police daily at 10.30 am., and 5.30 pm., for a period of four 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 FIR can be registered under Section 229A IPC.

sd/-
30/03/2023

/ TRUE COPY /

/04/2023

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

AAV

TO

1. The Judge, Special POCSO Court, Tirunelveli.
 2. The Inspector of Police,
All Women Police Station, Vallioor,
Radhapuram, Tirunelveli District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.SIVABALAN K, Advocate (SR-5171[I] dated 30/03/2023)

ORDER

IN

CRL OP(MD) No.6022 of 2023

Date : 30/03/2023

NA/CG/SAR-3/05.04.2023/3P/5C