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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8056 of 2023

Selvakumar

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,
Puliankudi Police Station,
Tenkasi District.

Crime No.101 of 2023.

... Respondent/Defacto Complainant

For Petitioner : M/s.V.Muthuvelan, 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.101 of 2023 on the file of the Respondent Police.

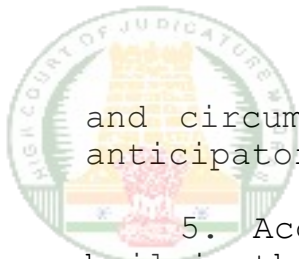
ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 11(4)r/w.12 of POCSO Act in Crime No. 101 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein followed the minor victim girl and made hand signal and eye signal and called the victim girl, 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 164 of Cr.P.C reveals the fact that the petitioner herein only followed the victim girl and asked her to marry him. Except this no other allegation has been levelled as against the petitioner. The petitioner is a divorced man. Taking into consideration the facts



and circumstances of the case , 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 learned Sessions Judge, Special Court for POCSO Act Cases, 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 stay at Thadikombu and report before the Thadikombu Police Station daily at 10.30 am., and 5.30 pm.,, for a period of four weeks and thereafter report before the respondent police daily at 10.30 am., until further order. Further the petitioner shall also file an undertaking affidavit before the respondent police that he will not indulge in such type of activities again and disturb the victim girl.

[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/-

28/04/2023

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/05/2023

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

AAV



TO

1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE, PULIANKUDI POLICE STATION,
TENKASI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

ORDER

IN

CRL OP(MD) No.8056 of 2023

Date :28/04/2023

RS/VR/SAR-4(03.05.2023) 3P 5C