



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.05.2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD)No.8795 of 2023

Ronaf @ Ronafsusan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Woman Police Station,
Thoothukudi District.
(Cr.No.8 of 2023)

... Respondent/Complainant

For Petitioner : Mr.B.N.Raja Mohamed
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.8 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 7, 8, 11(4) and 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 448 IPC, in Crime No.8 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein committed sexual harassment on the defacto complainant's daughter. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. He further submits that the petitioner had love affair with the victim girl and the parents of the victim girl only gave this false complaint and hence, he prayed for anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appeared for the respondent police would submit that investigation is pending.

5.On perusal of statement of the victim girl revealed that they had affair with each other and the victim girl only took the photograph in mobile phone. Now, the victim girl under the care of her parents.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall file an undertaking affidavit before the trial Court stating that he shall not have communication with the victim girl in future.

7.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 of receipt of a copy of this order, before the learned Special Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (one blood surety) each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police twice in a week i.e., on every Thursday and Sunday at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-

17/05/2023

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/05/2023

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



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TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF POCSO ACT CASES,
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THOOTHUKUDI.

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

ORDER

IN

CRL OP(MD) No.8795 of 2023

Date :17/05/2023

RS//SAR-(25.05.2023) 3P 4C