



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9216 of 2023

F.Stalin

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Chekkanurani Police Station,
Madurai District.
(Crime No.143 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate for
M/s.I.Pinaygash, Advocate
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.143 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 354A, 354D, 506(1) of IPC, in Crime No.143 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused said to have conversation with sexual intent upon the defacto complainant and sexually harassed her and follow her personal interaction repeatedly and the petitioner herein tried to quiet the issue and support A1. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that this is the second anticipatory bail application. Earlier anticipatory bail petition filed by the petitioner was dismissed by this Court.



4.The learned Government Advocate (Crl.Side) would submit at the statement of the victim recorded under Section 164 of CR.P.C states that the petitioner also compelled the victim to agree the first accused sexual intent. Hence, there is specific overt act as against this petitioner.

5.A perusal of the statement under Section 164 of Cr.P.C reveals that there was some telephonic conversation between the first accused and the victim girl. However, the petitioner is being professor, there is no possibility of absconding.

6.At this juncture, the learned counsel for the petitioner would submit that he will ready to file an undertaking affidavit to the effect that the petitioner will not make any communication with the victim girl in future.

7.Considering the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties (**of which one shall be a blood related 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 learned 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 daily at 10.30 am., for a period of two months and thereafter, as and when required for interrogation;

(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]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9.The petitioner must file an undertaking affidavit that the petitioner will not make any communication with the victim girl in



future. If any violation is noticed, bail granted by this Court, shall stand automatically cancelled. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

WEB COPY

sd/-
18/05/2023

/ TRUE COPY /

/05/2023

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, CHEKKANURANI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9216 of 2023
Date :18/05/2023

RS//SAR-(25.05.2023) 3P 5C