



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

Date : 06/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.9744 of 2023

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Vairamuthu

... Petitioner / Accused

Vs

State through
The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.
(Crime No.14 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Ram Kumar.M, 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.14 of 2023 on the file of the
Respondent Police.

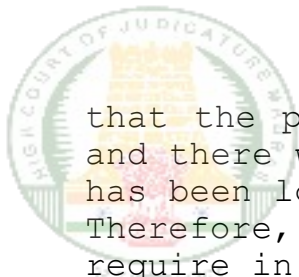
ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 (n), 9(m) and 10 of Protection of Children from Sexual Offences Act 2012 and Section 506(1) of IPC, in Crime No.14 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had misbehaved with the minor victim girl. Based on the complaint given by the victim's mother, who is the wife of the petitioner, the present case has been registered against the petitioner.

3.Heard. Perused the materials available on record including the First Information Report as well as the statement recorded from the victim girl under Section 164 of Cr.P.C.

4.It is seen from statement recorded from the victim girl under Section 164 of Cr.P.C that when she was studying 3rd standard, namely two years from the date of registration of the First Information Report, the petitioner touched her private part. It is also seen



that the petitioner is having the victim's mother as his and there was dispute between them. Therefore, the present complaint has been lodged after two years from the date of alleged occurrence. Therefore, the custodial interrogation of the petitioner does not require in this case.

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5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 Court for Exclusive Trial of POCSO Act Cases, Srivilliputhur, 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 a.m., 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/-

06/06/2023

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/06/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



To

1.The Judge,
Special Court for Exclusive Trial of POCSO Act Cases,
Srivilliputhur.

2.The Inspector of Police,
All Women Police Station,
Rajapalayam,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.RAM KUMAR, Advocate (SR-8158[I] dated 06/06/2023)

ORDER

IN

CRL OP(MD) No.9744 of 2023

Date :06/06/2023

ED/CG/SAR- (12/06/2023) 3P 5C