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CRL OP(MD). N



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

Date : 09/06/2023

PRESENT

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

CRL OP(MD). No.10078 of 2023

V Viju,

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
The Sub Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District..

... Respondent/Complainant

For Petitioner : Appaji.C.K.M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.11 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 366 of IPC r/w.section 7 and 8 of Protection of child from sexual offences Act,2012 in Crime No. 11 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that both the petitioner and the victim loved each other and the defacto complainant warned the petitioner on several occasions. The petitioner herein on the false promise of marrying the victim had taken her in his two wheeler where both fell down and sustained injuries, hence the case.

<https://www.mca.gov.in/jds>



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner fell in love with the victim girl aged about 16 years. While both were travelling in the two wheeler they met with the accident, in which both them sustained injuries. Taking into consideration all the above 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 Exclusive trial of cases under POCSO Act, Kanyakumari District at Nagercoil 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 am., 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
09/06/2023

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/06/2023

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

AAV
TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, KANYAKUMARI DISTRICT AT
NAGERCOIL.
- 2 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-8417[I] dated 09/06/2023)

ORDER
IN
CRL OP(MD) No.10078 of 2023
Date :09/06/2023

PKP/CG/SAR- /13.06.2023/ **3P/5C**