



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

Date : 09.06.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.10110 of 2023

Sakthivel

... Petitioner / Sole Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.
(Cr.No.5 of 2023)

... Respondent / Complainant

For Petitioner : Mr.M.Karunanithi, Advocate

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

For Intervenor : Mr.Arunraj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.5 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 of POCSO Act in Crime No.5 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner sexually assaulted the defacto complainant's daughter and also threatened them. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant is running a prostitute house and as
<https://www.mca.gov.in> was questioned by the petitioner, who is being close



relative. In that regard, there was dispute between them. The petitioner also lodged complaint against the defacto complainant and the same was registered in Cr.No.135 of 2023.

4. According to the defacto complainant, she had illegal intimacy with the petitioner. When the defacto complainant is not in the house, the petitioner misbehaved with her daughter. According to the petitioner, the defacto complainant is running a prostitute house and the petitioner made complaint before the various authority and the present complaint is counter for earlier complaint. Hence, custodial interrogation of the petitioner is not required in this case.

5. Considering the 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 learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District, 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 FII registered under Section 229A IPC.

sd/-
09/06/2023

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

GNS

To

1.The Judicial Magistrate No.II,
Kumbakonam, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-8406[I] dated 09/06/2023)

ORDER
IN
CRL OP(MD) No.10110 of 2023
Date :09/06/2023

ED/CG/SAR- (21/06/2023) 3P 6C