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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15808 of 2023

Lakshmanan,

... Petitioner/ Accused No.1

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(Crime No.14/2023).

... Respondent/ Complainant

For Petitioner : M/s.Sundarapandian S,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.14/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent



police for the offences punishable under Sections 323,294(b),506(i) of IPC and Section 7 r/w.12 of POCSO Act 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 first accused was in love with the defacto complainant's daughter who is aged 13 years. The first accused used to meet the defacto complainant's daughter and on the date of occurrence ie., on 14.02.2023, the first accused trespassed into the house of the defacto complainant, when she and her husband were not in the house and abused her daughter physically, saying that he was in love with her. When the defacto complainant came to know about the issue, she questioned the first accused about the issue. At that time the accused persons attacked the defaco complainant and her husband, abused them in filthy language, criminally intimidated them. Hence the complaint

3.The learned counsel for the petitioner would contend that the petitioner is innocent and due to previous enmity a false case has been foisted against him. He would further submit that co- accused in this case were granted anticipatory bail by this Court, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that investigation has been completed and final report has been filed before the concerned Court and the co-accused were granted anticipatory bail by this Court, however the offences charged against the petitioner are serious in nature and hence he objected to grant



anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that investigation has been completed and final report has been filed before the concerned Court and the fact that the co-accused were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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 on which the order copy made ready, before the Special District and Sessions Judge for POCSO Act Cases, Madurai 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the trial Court on all working day at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.



[d] 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].

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

sd/-
31/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE SPECIAL DISTRICT AND SESSIONS JUDGE FOR POCSO ACT CASES,
MADURAI

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.15808 of 2023
Date :31/08/2023

SSA/JGB/07.09.2023/5P/4C

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