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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16311 of 2023

M.Nandhakumar

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District,
Crime No.99/2023.

... Respondent/Complainant

For Petitioner : M/s. Suriyakumar.M,
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.99/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police

for the offences under Sections 448, 294(b), 323, 506(ii) of IPC r/w Section 4 of

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



TamilNadu Prohibition of Harassment of Women Act, 1998 and Section 11(iv) r/w 12 of POCSO Act, 2012 in Crime No.99 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner and the defacto complainant's daughter Asha were originally friends. Later by compelling her daughter to love this petitioner, frequent trouble was made by him. In pursuance of the above said incident, on 31.08.2023 at 7.00 p.m., when the defacto complainant along with the victim were present in the house, the petitioner alleged to have trespassed in to the house, caused assault to the defacto complainant and compelled the victim girl to love him. On that basis, a case was registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Eventhough the victim and the petitioner were friends, later they developed love. Their parents have objected their love. Because of that only the present case has been given.



4. Learned Additional Public Prosecutor would submit that trouble has arisen between the petitioner and the defacto complainant over the love affair between the defacto complainant's daughter and the petitioner. The victim girl is a major at the time of occurrence.

5. Considering the facts and circumstances of this case and also the fact that the victim girl is a major, this Court is inclined to grant relief to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Court (POCSO offences) Court, Srivilliputhur, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.



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7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
11/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
SPECIAL COURT (POCSO OFFENCES) COURT,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT,

2 THE INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT,

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

+1 CC to M/s.M.SURIYA KUMAR, Advocate (SR-13593[I] dated 13/09/2023)



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ORDER
IN
CRL OP(MD) No.16311 of 2023
Date :11/09/2023

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MK/05.10.2023 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023