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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.17538 of 2023

S.Udhayakumar

... Petitioner/ Accused No.1

Vs

State rep. by
The Inspector of Police,
AWPS-Nanguneri Police Station,
Tirunelveli District.
In Crime No.21 of 2023

... Respondent/ Complainant

For Petitioner : Mr.S.Anantha Murugan,
Advocate

For Respondent : Mrs.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 12 of POCSO Act in Crime No.21 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a grocery shop, in which the daughter of the defacto complainant used to visit and helped her. The petitioner herein is the relative of the defacto complainant and as such, he used to visit the shop. While so, the petitioner herein abused the defacto complainant's daughter by noting her physical changes. On 22.09.2023, when the victim was alone, the petitioner again abused by describing her body. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged in FIR.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner used to utter abusive words towards the body of the victim and hence, he committed very heinous offence as against the victim. Therefore, she opposed to grant anticipatory bail to the petitioner.

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 Special Court for Exclusive trial of cases under POCSO Act, Tirunelveli 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 trial Court on summons.

[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/-
03/10/2023

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



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TO

- 1.The Special Court for
Exclusive trial of cases under POCSO Act,
Tirunelveli.
- 2.The Inspector of Police,
AWPS-Nanguneri Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.17538 of 2023
Date :03/10/2023

SSA/VRS/09.10.2023/5P/4C

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