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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22821 of 2022

(*)M. Jeyakumar

... Petitioner/Sole Accused

Vs

The state rep.by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tenkasi District
(Crime No.20 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Balamurugan.P,
Advocate.

For Respondent : Mr.A.albert James,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.20 of 2022 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 12 r/w. 11(i)(ii) of POCSO Act and Section 67 of Information Technology Act,2000, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that her minor daughter (XXXX) was studying XII std in Government School, Puliyangudi on the date of occurrence i.e., on 18.01.2006. The further allegation is that the accused had stalked her while she was going and coming back from the school and also sent messages to her to her mobile phone and intimidated her with sexual intent. Hence the case.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that earlier in respect of the dispute in running of a school of a particular community there was a quarrel during which the petitioner was assaulted by the husband of the defacto complainant namely Mathavan raj and his elder brother Ramachandran and his father in respect of which a case in Crime No. 172 of 2019 was registered for the offences under sections 294(b), 323 and 506(ii) of IPC. The accused had compelled the petitioner to withdraw the case against them and since the petitioner refused they have instigated the wife of the second accused to give a false complaint against him. He would further submit that the petitioner was called for enquiry and he was asked to produce the phone and during enquiry it was found that the alleged messages have not been sent from the petitioner's phone and now the petitioner is ready to cooperate with the investigation. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner had stalked the minor daughter of the defacto complainant and also sent abusive messages to her and had written phone numbers on the compound wall of the defacto complainant. However he would submit that earlier on the complaint given by the petitioner a case has been registered against the husband and relatives of the defacto complainant.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner, with certain 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 learned Sessions Judge, Special Court for Exclusively 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 confirm 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, on every Saturday at 10.30 a.m., until further orders.

[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/-

05/01/2023

**(*)AMENDED AS PER ORDER OF THIS
COURT DATED 06.02.2023 IN CRL MP
(MD)NO.1907 OF 2023 IN CRL OP(MD)
NO.22821 OF 2022**

**TIME IS ALSO EXTENDED FURTHER
FOR A PERIOD OF TWO WEEKS, FROM
THE DATE ON WHICH THE ORDER IS
COPY MADE READY.**

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/02/2023

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 05/01/2023 ALREADY DESPATCHED

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVELY TRIAL OF CASES
UNDER POCSO ACT, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SANKARANKOVIL,
TENKASI DISTRICT



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

+1 CC to M/s.BALAMURUGAN.P, Advocate SR 1862

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ORDER

IN

CRL OP(MD) No.22821 of 2022

Date :05/01/2023

AAV

MK/SSS/SAR II(19.01.2023) 4P 5C

RK/SBN/SAR 2(08/02/2023) 4P/5C