



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

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CRL.O.P(MD)No.23214 of 2022

Muthukumaran @ Muthukumar

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
(in Cr.No.386 of 2022)

...Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.386 of 2022.

For Petitioner : Mr.A.Mohan,Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 9(f), 9 (1) r/w 10 of POCSO Act 2019 in Crime No.386 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, xxxx, aged 17 years, is that she is studying BBA in Pudukottai Mamannar College and that on 16.12.2022, at about 04.30 pm, the accused, who is a Lecturer, had misbehaved with her and had spoken to her with sexual intent and when she had questioned him, he had threatened her that he would inform her family members stating that she is a girl of bad character. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. The learned Counsel for the petitioner would submit that the petitioner is as a Guest Lecturer in Pudukottai Mamannar College. He



would further submit that the victim and one Haripras classmate, have behaved in an indecent manner and that the petitioner had conducted an enquiry and had told them that they should bring their parents for further enquiry, whereas, they did not come and the victim had brought her classmate's brother for enquiry and that was also objected to by the petitioner and the petitioner told the victim that he would inform her guardians. Since she was antagonized, she with the help of the certain persons in the students union, had preferred a false complaint.

4.He would further submit that departmental enquiry was conducted in the College and it was found that a false complaint has been given against the petitioner. He would further submit that the victim had also been examined by the respondent police and later she has also been taken to the Court for recording a statement under Section 164 Cr.P.C., wherein, she has stated that only out of frustration and anger with the petitioner, she has given a false complaint against the petitioner. He would further submit that the petitioner is ready to abide any stringent conditions, that may be imposed on him.

5.The learned Government Advocate (Crl.side) would submit that the petitioner had misbehaved with the de-facto complainant and had spoken to her with sexual intent and hence, the case came to be registered. However, he would submit that later the victim was taken to the learned Judicial Magistrate and a statement has also been recorded from her under Section 164 of Cr.P.C., wherein, she has stated that out of frustration and anger, she has given a false complaint against the petitioner.

6.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. as well as the statement recorded under Section 164 Cr.P.C., from the victim girl, 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 Special Court for Exclusive Trial of Cases under POCSO Act, Pudukottai, 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 responder everyday at 05.30 p.m., until further orders.

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

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[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/-
23/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

- 1 THE SPEICAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MOHAN, Advocate (SR-1034[I] dated 24/01/2023)

ORDER
IN
CRL OP(MD) No.23214 of 2022
Date :23/01/2023

PKP/SSS/SAR-1/31.01.2023/3P/5C

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