



CRL OP(MD) No.2019 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2019 of 2024

NAGASUNDARAM

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
MADURAI TOWN,
MADURAI CITY
IN CR.NO.02/2024

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SATHISH KUMAR, Advocate

For Respondent : MR.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER:

FOR ANTICIAPATORY BAIL IN CR.NO.02/2024 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-



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The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 7, 8 and 9(m) POCSO Act, 2012 in Crime No.02 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's sister namely Nisha had illegal relationship with the accused person. While being so, on 30.01.2024, when the defacto complainant's daughter aged about 12 years was alone in her home, the accused person contacted her and asked her to come to his house and misbehaved with her. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending.

5. This Court perused the statement recorded from the victim girl under Section

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



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164 of Cr.P.C., in which, the victim girl stated that her aunt namely Nisha had illegal relationship with the petitioner, and in order to prevent the same, the false complaint has been lodged by her mother.

6. Considering the facts and circumstances of the case and also considering the fact that this case has been foisted against the petitioner at the instigation of the victim's mother, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the Special Court 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank



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pass Book to ensure their identity;

(c)the petitioner shall report before the respondent Police as and when required;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1 THE SPECIAL JUDGE
FOR POCSO ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION, , MADURAI TOWN,
MADURAI CITY
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-2059[I] dated 19/02/2024)

ORDER
IN
CRL OP(MD) No.2019 of 2024
Date :16/02/2024

PKP/VR/SAR /27.02.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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