



CRL OP(MD) No.2204 of 2024

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2204 of 2024

1 SELVAKUMAR

2 YALSON THAMPIDURAI

3 VINEESH

... PETITIONER/ ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANNYAKUMARI DISTRICT
CRIME NO.2 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.BALAKRISHNAN Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.2 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE



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ORDER : The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 12 r/w. Section 11(1) of POCSO Act and Sections 294(b) and 506(i) IPC, in Crime No.2 of 2024, seek anticipatory bail.

2. The case of the prosecution is that on 16.07.2023, the first accused cut and removed the branches from the Jack tree owned by the victim's father and when the same was questioned by the victim's father, the first accused raised his lungi with an intention to insult the victim child and the accused Nos.2 and 3 supported the act of the first accused and threatened the victim family. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that it is purely a civil dispute and in order to wreck vengeance the petitioners, the defacto complainant has made a false complaint. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent Police has produced the statement of the victim girl recorded under Section 161 Cr.P.C and submitted that the investigation is yet to be completed.

5. This Court perused the statement of the victim girl recorded under Section 161 Cr.P.C, in which, no serious allegation has been made against the petitioners. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge under POCSO Act, Nagercoil, Kanyakumari District, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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(a)if the petitioners 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 pass Book to ensure their identity;

(c)the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

sd/-
28/02/2024

/ TRUE COPY /

/03/2024

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

SSB

TO

1.THE SPECIAL JUDGE UNDER POCSO ACT,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARTHANDAM, KANNYAKUMARI DISTRICT

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

+1 CC to M/s.A.BALAKRISHNAN, Advocate (SR-2480[I] dated 28/02/2024)

ORDER

IN

CRL OP(MD) No.2204 of 2024

Date :28/02/2024

RK/GS (04/03/2024) 5P / 6C

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

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