



CRL OP(MD) No.2455 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2455 of 2024

S.SAKTHI

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
AWPS,
THIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 3 OF 2024

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.G.RADHAKRISHNAN 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.3 OF 2024 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 alleged offence under Sections 7 r/w.8, 17 of POCSO Act, 2012, Sections



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448, 294(b), 506(ii) of IPC in Crime No.03 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that on 04.02.2024, the petitioner's son gave love torture to the victim girl, which was supported by the petitioner. Further, the petitioner's son trespassed into the house of the defacto complainant and misbehaved with the victim girl. Hence, the 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. The petitioner's son and the defacto complainant were loved each other and both are residing at adjacent house and relatives. After the marriage of the petitioner's son with another girl, the defacto complainant stated her love story with the petitioner's son to the petitioner's daughter-in-law, so that, she left her matrimonial home. Further, the petitioner filed an undertaking affidavit that she will not disturb the peaceful life of the defacto complainant's family members and she will not involve in any criminal activities. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and on perusal of the statement recorded from the victim girl under Section 164 of Cr.P.C., and also considering the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 learned Mahila Judge for POCSO Act Cases, Thoothukudi 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 pass Book to ensure their identity;



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(c)the petitioner shall report before the respondent Police Station, daily at 10.30 a.m., and 5.00 p.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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/-
04/03/2024

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/03/2024

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

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TO
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1.THE MAHILA JUDGE FOR POCSO ACT CASES, THOOTHUKUDI

2.THE INSPECTOR OF POLICE

AWPS,

THIRUCHENDUR POLICE STATION,

THOOTHUKUDI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2455 of 2024

Date :04/03/2024

RK/VR (14/03/2024) 5P / 4C

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