



CRL OP(MD) No.4353 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4353 of 2024

(*)ADERSH THANKARAJ LEELA

... Petitioner / Accused

Vs

THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 37/2024)

... Respondent / Complainant

For Petitioner : M/s.A.Robinson, 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. 37 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.



CRL OP(MD) No.4353 of 2024

ORDER: The Court Made the following order :-

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The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 341 of I.P.C. in Crime No.37 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.02.2024 at about 05.30 P.M., when the elder daughter of the defacto complainant went to the nearby shop for purchasing the exam paper, the petitioner herein, who is working as a Mason, molested the victim girl by groping her bosoms. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the alleged incident was happened on 27.02.2024 and the defacto complainant has lodged a complaint only on 28.02.2024. He would further submit that the petitioner and the defacto complainant are neighbours and hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner gave sexual assault to the victim girl.

5. On perusal of 164 Cr.P.C. statement, it is seen that the victim girl went



CRL OP(MD) No.4353 of 2024

WEB COPY

to the shop for purchasing the paper and at that time, it is alleged that the petitioner pushed the victim girl and tried to hug her and it is further seen that the petitioner and the defacto complainant are neighbours. The allegation levelled against the petitioner is that the petitioner misbehaved with the victim girl and he has not made any sexual assault upon her.

6. Considering the facts and circumstances of the case, this Court is 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 learned Special Court for the Exclusive Trial of POCSO Act Cases, Nagercoil, Kaniyakumari District, 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



CRL OP(MD) No.4353 of 2024

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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 petitioner shall report before the respondent police for a period of two weeks at 10.30 A.M. 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 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;



CRL OP(MD) No.4353 of 2024

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

sd/-
26/03/2024

(*)AMENDED AS PER ORDER OF THE COURT
DATED 30.04.2024 IN CRL MP(MD)Nos.5045 &
5048 of 2024 IN CRL OP(MD)NO.4353 OF 2024

TIME IS EXTENDED BY TWO WEEKS FROM
THE DATE OF RECEIPT OF A COPY OF THIS
ORDER.

/ TRUE COPY /

/05/2024

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

TSG

To

TO BE SUBSTITUED WITH THE ORDER DATED 26/03/2024 ALREADY
DESPATCHED.

1.THE JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF POCSO ACT CASES,
NAGERCOIL, KANNIYAKUMARI DISTRICT.

2.THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.

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



CRL OP(MD) No.4353 of 2024

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+2 CC to M/s.A.ROBINSON, Advocate SR NOS.5132, 5133

ORDER

IN

CRL OP(MD) No.4353 of 2024

Date :26/03/2024

ED/ JGB /SAR- (04/04/2024) 6P / 6C
RK/ED/SAR (16.05.2024) 6P/6C

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