



CRL OP(MD) No.4360 of 2024

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

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.4360 of 2024

RAJENDRAN

... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
CR.NO.1/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAYA PERUMAL Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.01/2024 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 punishable under Sections 11(1), 12 of the Protection of Child from Sexual Offences Act, 2012 and Sections 294(b), 323, 506(ii) IPC in Crime No.1 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is studying 10th standard. The petitioner herein tried to misbehave with her and when the same was informed to his wife, he threatened her with dire consequences. Hence, the defacto



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complainant informed about the occurrence, to her father and when he asked about the same, the accused persons assaulted him as well as the defacto complainant. They have also made life threat to them. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that due to personal dispute, the defacto complainant made a false complaint. The petitioner filed an undertaking affidavit stating that he will not give any trouble to the defacto complainant's family and victim girl and he will not interfere with the defacto complainant's affair.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is pending.

5.This Court perused the statement of the victim girl recorded under Section 164 Cr.P.C. There is no serious allegations with regard to the sexual offences. In view of the same and also taking note of the undertaking affidavit filed by the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 of receipt of a copy of this order, before the Special Court for POCSO Act Cases, Sivagangai on



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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;

(c)the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter, 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



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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/-

28/03/2024

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/04/2024

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

gns

TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI DISTRICT.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.S.MAYAPERUMAL, Advocate (SR-3909[I] dated 28/03/2024)

ORDER IN

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Date :28/03/2024

RS/VR/SAR-(17.04.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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