



CRL OP(MD). No.11488 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11488 of 2024

T Jegan

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
All Women Police Station,
Kanyakumari,
Kanyakumari District.
Crime No. 15/2024.

... Respondent/Complainant

For Petitioner : M/s. Raja Kumar.C, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 15 of 2024 on the file of the respondent

Police.

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



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ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.15 of 2024, for the offence punishable under Sections 366, 376(3) IPC and Sections 43(a), 4 r/w 17 of the POCSO Act, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that on 11.05.2024, one Chandru, a minor has taken a minor girl along with him and booked a room in the petitioner's lodge and had sexual relationship with her. Hence, the case.

3. Considering the manner, in which, the lodge was provided to a minor boy to commit the offence under the POCSO Act, this Court dismissed the earlier application on 18.06.2024. The learned Counsel appearing for the petitioner has filed this application on the ground that the petitioner is in no way connected with the lodge and the owner of the lodge is one Chidambaram Natarajan.

4. The learned counsel appearing for the petitioner submits that the occurrence was taken place in a private lodge, namely, Blue Mist at Kovalam Road, Kanniyakumari. The petitioner is only the lessee of the lodge. The Manager of the lodge and the petitioner, who is the lessee of the lodge are also added as an accused. The petitioner is shown as the owner of the lodge. However, it is not true and the

owner of the lodge is one Chidambaram Natarajan. He also submits that the



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petitioner was not present in the scene of occurrence and it is a mistake committed by the Manager of the lodge and he is in no way connected with the offence. However, the respondent police has registered the case as against the petitioner that he is the in-charge of the lodge. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent Police accepts the contention of the petitioner that the owner of the lodge is the said Chidambaram Natarajan. The petitioner is running the lodge by taking on lease, in an oral understanding and there is no written agreement. The petitioner is administering the lodge. The investigation agency has also collected certain documents as to the payment of GST and other taxes in the name of the petitioner.

6. No doubt, the offence has been committed in the Lodge running by the petitioner and the Manager of the lodge is also added as accused. There is no document to show that the lodge belongs to the petitioner and there is no bad antecedent as against the petitioner. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned Court on condition that



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(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for Exclusive Trial of Cases under the POCSO Act, Nagercoil.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 am until further orders for interrogation. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
08/08/2024

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/ 08 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



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TO
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- 1 THE JUDGE
SPECIAL COURT FOR EXCLUSIVE TRAIL OF CASES
UNDER THE POCSO ACT, NAGERCOIL
- 2 THE INSPECTER OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.RAJA KUMAR, Advocate (SR-9664[I] dated 08/08/2024)

ORDER
IN
CRL OP(MD) No.11488 of 2024
Date :08/08/2024

PSP/VR/SAR /24.08.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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