



CRL OP(MD). No.12478 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.12478 of 2024

Prakash Raja,

... Petitioner/ Accused

Vs

The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
Crime No.181 of 2024..

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime no.181 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 366 of IPC & 3 r/w 4(1) of POCSO Act, 2019, in Cr.No.181 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl, who is aged about 17 years. The petitioner herein had penetrative sexual assault upon the victim girl on 30.06.2024. Hence, the complaint. Initially, the case was registered as 'girl missing'. After enquiry, it was altered into the aforesaid offences.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the victim girl loved each other and at the instigation of the victim girl only, the petitioner took away her. Further, The victim girl voluntarily approaches the respondent police station and stating that she was harassed by her parents and on her own volition, she went with the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is in preliminary stage and he also produced the statement, which was recorded from the victim girl under Section 164 Cr.P.C.,



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5. On perusal of 164 Cr.P.C., statement of the victim girl, it is seen that there is no allegation against the petitioner. Considering the same, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge Special Court for Exclusive Trial of Cases Under POCSO, Act, Theni, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police weekly once i.e.,



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every Saturday at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

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(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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;

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

sd/-
02/08/2024

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

DSS



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TO
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- 1 THE SESSIONS JUDGE
SPECIAL COURT FOR EXECLUSIVE TRIAL
OF CASES UNDER POCSO ACT, THENI.
 - 2 THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.DINESH, Advocate (SR-9418[I] dated 05/08/2024)

ORDER
IN
CRL OP(MD) No.12478 of 2024
Date :02/08/2024

SS/GS/SAR- /23/08/2024/5P/5C

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