



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

Tuesday, the Twenty First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.15902 and 15903 of 2017

ARIHARASUTHAN ALIAS SUTHAN

... PETITIONER

IN CRL OP(MD)No.15902/2017

THANGALINGARAJA

... PETITIONER

IN CRL OP(MD)No.15903/2017

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANNIYAKUMARI
KANYAKUMARI DISTRICT ,
CR NO. 13/2017

... RESPONDENT IN BOTH THE PETITIONS

For Petitioners : Mr.G.VAIRAM SANTHOSH Advocate
IN BOTH THE PETITIONS

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners / A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 4 of Protection of Child from Sexual Offences Act 2012, Sections 366(A) and 506(i) of IPC., and Section 4 of the Prohibition of Harassment of Woman Act, 2008, in Crime No. 13 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners in Crl.O.P.(MD)Nos.15902 and 15903 of 2017 are the father of A1 and brother-in-law of A1. The victim girl mother gave a complaint before the respondent police stating that the first accused/A1 misbehave with her child, thereby, the law enforcing agency registered a complaint against the accused person including petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submitted that A1 was arrested and remanded in the judicial custody. Even in the



F.I.R. as well as the confession statement of A1, there is no specific allegation against these petitioners. Earlier, the petitioners filed the anticipatory bail petition which was dismissed by this Court in Crl.O.P.No.15037 of 2017, dated 07.11.2017. Now the present anticipatory bail filed by the father and brother-in-law of A1.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that there is no specific allegation against these petitioners/A3 and A4. However, there is allegation against the other accused person, they are arrested and still in judicial custody.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are 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 Mahila Court, Nagercoil, Kanniyakumari Distirct, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 condition that:

(i) the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

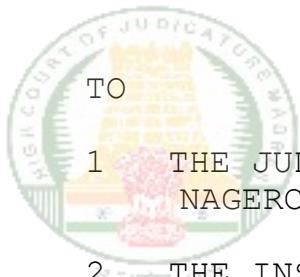
(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
21/11/2017

/ TRUE COPY /



TO

1 THE JUDGE, MAHILA COURT,
NAGERCOIL, KANNIYAKUMARI DISTRICT

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANNIYAKUMARI
KANNIYAKUMARI DISTRICT ,

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

+2. CC to Mr.G.VAIRAM SANTHOSH Advocate SR.Nos.34786, 34787

JAM/27/11.17/PM-PN/SAR 2 / 3P-6C

ORDER
IN
CRL OP (MD) Nos.15902 and 15903 of 2017
Date :21/11/2017