



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

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8737 of 2017

1 ROBIN
2 XAVIER
3 DAISYRANI

... PETITIONERS/ACCUSED 1 TO 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
BOODHALUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.135/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MUTHUMALAIRAJA Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 323, 506(ii), 354 IPC., r/w section 12 of Protection of Children from Sexual Offences Act, 2012 in Crime No.135 of 2017, seek anticipatory bail.

2. I have heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3.The case of the prosecution is that on the date of occurrence, i.e., on 19.06.2017, the first petitioner/A1 went to the house of the *de facto* complainant and the first petitioner caught hold the victim girl's hand and called for the bed and to share with him, but it was refused by the victim girl. The victim girl is the complainant in this case. Subsequently, the mother of the victim girl questioned the parents of the first petitioner herein. The second and third petitioners attacked the *de facto* complainant's mother and no one sustained injury and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

4. At this juncture, the learned counsel appearing for the petitioners states that the occurrence took place on 19.06.2017, but



the First Information Report was registered on 29.06.2017. The petitioners and the *de facto* complainant are neighbors and there is a family dispute between the mother of the *de facto* complainant herein and there is no injury to the *de facto* complainant.

5. The learned Additional Public Prosecutor appearing for the respondent, on instruction, submit that there are totally three accused in this case and the petitioners herein arrayed as A1 to A3 respectively. A1 is the son of A2 and A3. The first petitioner/A1 went to the house of the defacto complainant and the first petitioner caught hold the victim hand and call for the bed and share with him, but it was refused by the victim girl. The victim girl is the complainant in this case. Subsequently, the mother of the victim girl questioned the parents of the first petitioner herein. The second and third petitioners attacked the defacto-complainant mother. No one sustained injury and the case is still pending

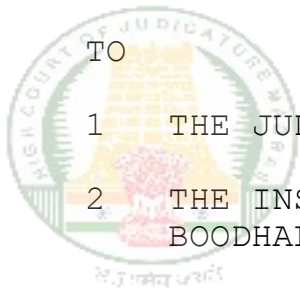
6. Considering the facts and circumstances of the case and also the also the conduct of the first respondent herein before the minor victim girl, who is the *de facto* complainant in this case, this Court is not inclined to grant anticipatory bail in favour of first petitioner/A1. Further this Court is inclined to grant anticipatory bail in favour of A2 and A3, who are the parents of the first petitioner, with certain conditions.

7. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the Mahila Court (Fast Track Court), Thanjavur on condition that petitioners 2 and 3 shall execute a separate 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 Mahila Court (Fast Track Court), Thanjavur and on further condition that the second petitioner/A2 shall report before respondent Police as and when required and the third respondent/A3 shall report before the respondent police, weekly once, at 10.30 a.m., until further orders, for interrogation. The petitioners 2 and 3 shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously. This Criminal Original Petition is dismissed with respect of the first respondent.

8. The petitioners 2 and 3 shall appear before the Mahila Court (Fast Track Court) within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
11/07/2017

/ TRUE COPY /



TO

1 THE JUDGE, MAHILA COURT (FAST TRACK COURT), THANJAVUR.

2 THE INSPECTOR OF POLICE,
BOODHALUR POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to M/S.S.MUTHUMALAIRAJA Advocate SR.No.26396

KM/MSA

CSL/CM-MSA/SAR-III/14.07.2017 : 3P/5C

ORDER

IN

CRL OP(MD) No.8737 of 2017

Date :11/07/2017