

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.6971 of 2019

1 DURAIYAN

2 SAROJA

... PETITIONERS / ACCUSED NO.2 & 3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, KEEANUR,

PUDUKKOTTAI DISTRICT.

CRIME NO.2 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.J.SULTHAN BASHA, Advocate

For M/S.AJMAL ASSOCIATES

For Respondent : MR.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 & 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 5(j)(ii) and 6 of Protection of Child From Sexual Offences Act, 2012 & 506(i) IPC, in Crime No.2 of 2019, seek anticipatory bail.

2.The case of the prosecution is that one Karuppaiah, who is the son of the petitioners had physical contact with the victim girl. Resultantly, the victim girl got pregnant. When the same was questioned by the victim girl and her father, the petitioners are said to have abused them using filthy language and threatened them with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. With respect to the first accused, he was arrested and subsequently released on bail. With respect to

these petitioners, the learned Counsel filed an affidavit and made a submission that if the DNA test is in favour of the victim girl as alleged by her, the petitioners are ready to perform the marriage of their son with the victim girl. The affidavit filed by the petitioners is recorded. In the said circumstances, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Moreover, substantial portion of the investigation is completed. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Keeranur, 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 as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(ii) the petitioners shall appear before the respondent Police daily 10.00 a.m. for a period of three weeks.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in the event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-

29/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

THE JUDICIAL MAGISTRATE,
KEERANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

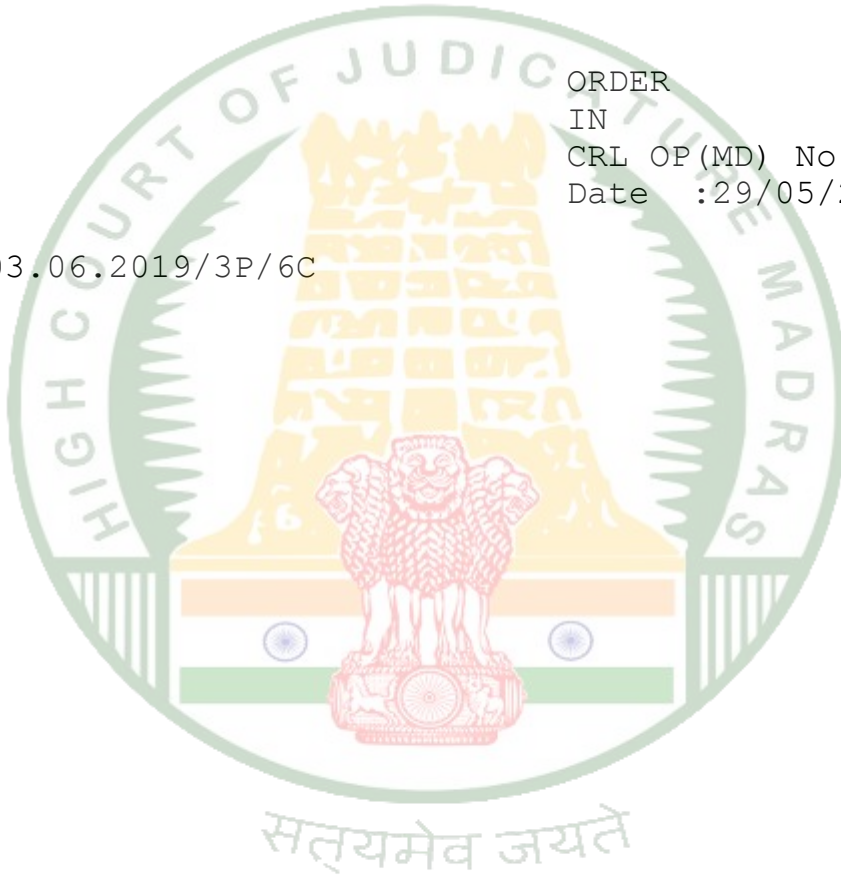
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KEEANUR,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9057[I] dated
31/05/2019)

ORDER
IN
CRL OP(MD) No.6971 of 2019
Date :29/05/2019

JM/VR/SAR 4/03.06.2019/3P/6C



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