

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7126 of 2019

1. Chinnasamy
2. Manomani
3. Dhanalakshmi
4. Tamilselvi

... Petitioners/Accused Nos. 2 to 5

Vs

State rep.by,
The Inspector of Pollice,
All Women Police Station,
Manaparai,
Trichy District.
(Crime No.4 of 2019).

... Respondent/Complainant

For Petitioner : M/s.V. Illanchezian,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory bail in Crime No.4 of 2019 on the file of the
Respondent Police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 3 (c),
4, 5 (1) & 6 of Protection of Child From Sexual Offences Act, 2012
and Section 506 (i) of IPC, in Crime No.4 of 2019, seek anticipatory
bail.

3. The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the above case. He further submitted that the petitioners 1 & 2 are parents of A1 and the petitioners 3 & 4 are sisters of A1. He further submitted that as per the FIR, on 30.04.2019, A1 after consuming liquor, attempted to commit rape on his own daughter (defacto complainant) aged about 14 years and thereafter, A1 went to Tirunelveli Town for doing work and subsequently, the petitioners over phone, criminally intimidated the defacto complainant and except the said allegation, no other allegations are made against the petitioners. He further submitted that the petitioners are in no way connected with the aforesaid crime and therefore, he prayed to grant anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that A1 attempted to commit rape on his own daughter, aged about 14 years and thereafter, he left his house and went to Thirunelveli Town for doing coolie work, and the petitioners over phone criminally intimidated the defacto complainant as she should not give complaint against A1. He further submitted that already A1 was arrested and remanded to judicial custody and hence, he strongly opposed this petition.

5. Taking into consideration of the fact that the main allegation is only against A1 and he was already arrested and remanded to judicial custody and insofar as the petitioners herein are concerned, the allegation against them is that they criminally intimidated the defacto complainant by over phone as she should not give complaint against A1, this Court is inclined to grant anticipatory bail 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 Mahila Court, Trichirappalli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, 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].

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

sd/-
14/06/2019

/ TRUE COPY /

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

TO

1.THE JUDGE, MAHILA COURT, TRICHY

2.THE INSPECTOR OF POLLICE
ALL WOMEN POLICE STATION,
MANAPARAI, TRICHY DISTRICT.

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

+1. CC to M/S.V. ILLANCHEZIAN Advocate SR.No.9737

ORDER
IN

CRL OP(MD) No.7126 of 2019
Date :14/06/2019

dss

PK/JC/SAR-4/21.06.2019 : 3P/5C