

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Twenty Eighth day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8630 of 2019

1 SURESH KUMAR
2 MURUGAN
3 NAGAJOTHI
4 SENTHIL KUMAR

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
(CRIME NO.14 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.PRASANNA VINOTH Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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 offences punishable under Sections 6 and 17 of Protection of child from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Restraint Act, 1929 and Section 294(b) of IPC, in Crime No.14 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel for the petitioners has submitted that he is withdrawing the petition insofar as the first petitioner is concerned. He further submitted that insofar as the petitioners 2 to 4 are concerned they are innocent and they have been falsely implicated in the above case. He further submitted that the petitioners 2 and 3 are the parents of first petitioner/A1 and the fourth petitioner is the friend of first petitioner/A1, He further submitted that the petitioners 2 to 4 have not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioners 2 to 4.

4.The learned Government Advocate (criminal side) has submitted that the first petitioner approached the defacto complainant at Kaatunayakanpatti and made the defacto complainant to

have sexual intercourse on the assurance that he will marry her and thereafter, the first petitioner refused to marry the defacto complainant. She further submitted that the investigation is only at initial stage and hence, she strongly opposed this petition.

5. Taking into consideration of the fact that the main allegation is only against the first petitioner and also the fact that the petitioners 2 and 3 are the parents of the first petitioner and the fourth petitioner is the friend of the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

6. Accordingly, the petitioners 2 to 4 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 Mahila Fast Track Court, Theni, on condition that the petitioners 2 to 4 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 2 to 4 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m for a period of fifteen days and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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.

(vii) As regards the first petitioner, this petition is dismissed as withdrawn.

sd/-

28/06/2019

/ TRUE COPY /

TO

1 THE JUDGE,
MAHILA FAST TRACK COURT, THENI.

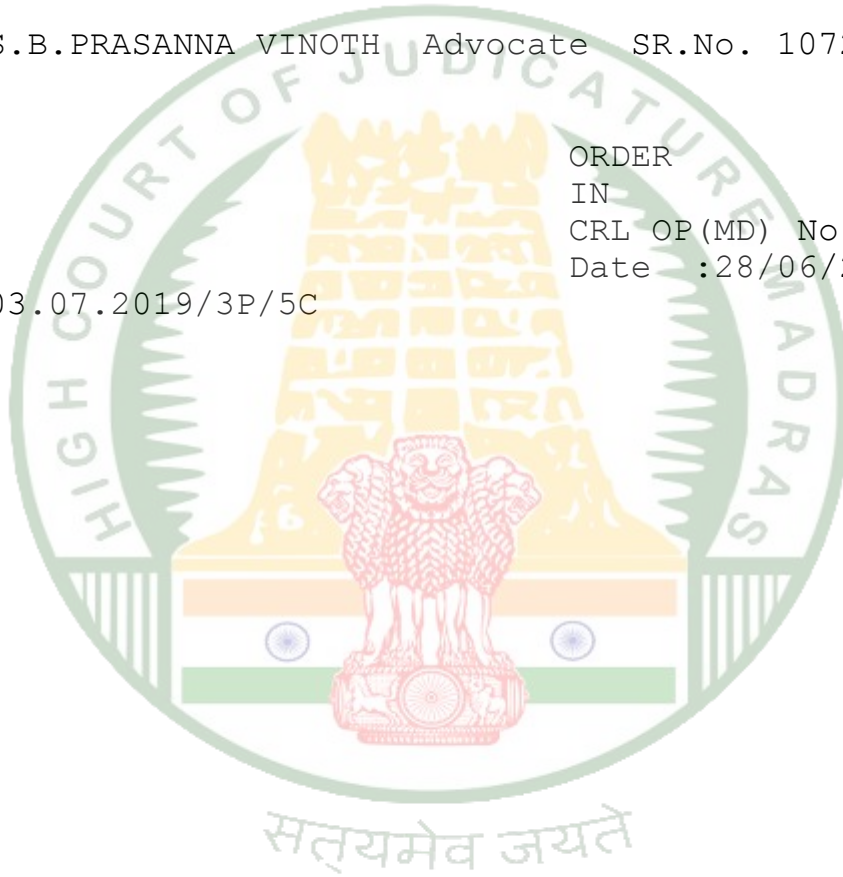
2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.

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

+1. CC to M/S.B.PRASANNA VINOTH Advocate SR.No. 10725

ORDER
IN
CRL OP(MD) No.8630 of 2019
Date :28/06/2019

JM/PN/SAR 2/03.07.2019/3P/5C



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