



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22320 of 2018

1.SHANMUGAVEL
2 MARIAPPAN
3 VIJAY
4 VIJAYA
5 CHITHIRAI VADIVU

... PETITIONERS / ACCUSED NOS.2 TO 6

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.28/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.JEGAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARAHTI,
Government Advocate (Crl. Side)

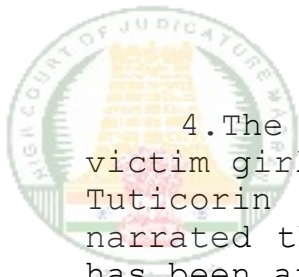
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) of IPC and Section 5(1), 5(j) (ii) r/w 6 of POCSO Act, 2012, in Cr.No.28 of 2018 seek anticipatory bail.

2.The case of the prosecution is that right from the beginning the first accused and the defacto complainant had love with each others. On false assurance the first accused having physical contact with the defacto complainant. Due to which she became pregnant. Hence, she demanded him to marry her. But he refused to do so. Therefore, she informed the same to the petitioners. The petitioners also scolded the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged crime.



4.The learned Government Advocate (Crl. Side) submits that the victim girl given a statement before the Judicial Magistrate No.III, Tuticorin under Section 164 of Cr.P.C., in which the victim girl narrated the relationship with the first accused. Al in this case has been arrested and remanded in the judicial custody.

5.The defacto complainant having knowledge about their relationship and she had abetted the same.

6.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioners is 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 Fast Track Mahila Court, Thoothukudi, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] Except A6, the petitioners 1 to 5 shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2019

/ TRUE COPY /

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

TO



2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.22320 of 2018

Date :04/01/2019

AE/PN/SAR4/09.01.2019/3P/4C