



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

Wednesday, the Second day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22161 of 2018

(*)1.SATHISH @ CHINNASAMY

2 C. CHELLAMMAL

3 P. KARUPPAYAMMAL ... PETITIONERS/ACCUSED NOS. 1,4 & **(**)A5**

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
(IN CRIME NO. 48 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.M.GURURAJ Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections **(**)366(A), 341, 342 of IPC r/w. Sections 7,8 and 18 of the POCSO Act,** in Cr.No.48 of 2017 seek anticipatory bail.

2. The petitioners herein are A1, A4 and A5. The case of the prosecution is that the defacto complainant who is a victim in this case has preferred a complaint against six persons on 22.08.2011 for the occurrence that is said to have been taken place on 11.07.2017. On 11.07.2017 at about 1.30 p.m when the defacto complainant was returning from college, the petitioners stopped her and the first petitioner had requested to marry her, when it was refused by the defacto complainant all the accused had kidnapped her in Auto to Usilampatti and there she was confined in the house along with first accused. At that point of time, the first accused is said to have attempted sexual assault with the defacto complainant. The defacto complainant's father coming to know about the incident, visited the house at Usilampatti and rescued the victim. The parents of the defacto complainant did not approach the police, since it would



spoil the life of her daughter. On 02.08.2017 at about 10.00 hrs the third accused Pitchaimani and her sister Saraswathi had come to the house of the defacto complainant and had forced the defacto complainant to marry the first accused otherwise they would kidnap her and told that the marriage would be performed. When the defacto complainant's parents try to interfere they were assaulted . Hence the case was registered.

3. The learned counsel for the petitioners would submit that the first petitioner and the Eswari fell in love with each other. He would also submit that A3 in this case has given a complaint, on 09.08.2017 which was registered in Crime No. 151 of 2017, for the occurrence that is said to have taken place on 02.08.2017 stating that their son and one Eswari were constantly speaking over phone and which not liked by the parents and hence they shifted their residence from Alagusirai to Usilampatti. 20 days prior to 02.08.2017 the family members of the first petitioner had gone to the Alagusirai to clean the house, there fight arose between the victim parents and the first petitioner parents and in which the first petitioner was assaulted for which they have given a complainat as counter blast to the same.

4. The learned Additional Public Prosecutor would submit that it is case of threat of sexual abuse. The victim is a minor. Further 164 Cr.P.C statment of the victim girl was recorded by the learned Judicial Magistrate, Tirumangalam, in which the victim has not stated anything with regard to the attempt of sexual assault made by the first petitioner. She has also not stating anything about the other petitioners

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

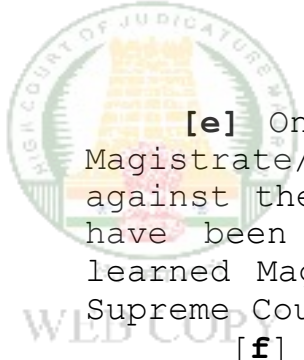
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Mahila Court, Madurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the 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] the first petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation and further the first petitioner shall co-operate for medical examination.

[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/-

02/01/2019

(*) () (***) Amended as per the order of
Hon'ble Court made in CRL MP(MD).No.10492/18
in CRL OP(MD).No.22161/18 vide order dated
17.12.2018 by MNKJ**

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

TO

1. THE JUDGE,
MAHILA COURT, MADURAI.
 2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.M.GURURAJ Advocate SR.No.12

ORDER

IN

CRL OP(MD) No.22161 of 2018

Date :02/01/2019

AE/JC/SAR3/04.01.2019/3P/5C