



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10521 of 2019

1.Sathiyamoorthy
2.Priya

... Petitioners/Accused
No.2 and 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Andipatty, Theni District.
Crime No.14/2019

... Respondent/Complainant

For Petitioners : M/s.A.R.Kannappan,
Advocate.

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

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

PRAYER :-

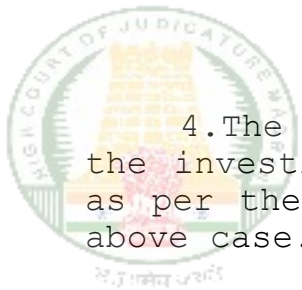
For Anticipatory bail in Cr.No.14/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 506(i) of IPC and Sections 7, 8 and 17 of POSCO Act, 2012, in Crime No.14 of 2019, seek anticipatory bail.

2. Heard both sides.

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 are parents of the victim girl. He further submitted that the main allegation is only against the Accused No.1. Hence, he prayed for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor has submitted that the investigation is still pending. He further submitted that even as per the 164 statement, the petitioners are also involved in the above case. Hence, he opposed this petition.

5.The petitioners herein are the parents of the victim girl. The allegation made against the petitioners herein is that the first petitioner is having illegal contact with A1 and both the petitioners have compelled the victim girl to marry A1 and betrothal also performed between A1 and the victim girl and thereafter A1 gave sexual harassment to the victim girl. If the allegation made by the victim girl that her mother (Second Petitioner) is having illegal intimacy with A1 is true, then how her father (First petitioner) will allow the same. For this, there is no explanation from the prosecution side.

6.Taking into consideration of the aforesaid facts and also the fact that the main allegation is made only against A1, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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 Mahila Court, Theni, 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/-
01/08/2019

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/ TRUE COPY /

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

TO

- 1.THE JUDGE,
MAHILA COURT, THENI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ANDIPATTY, THENI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.R.KANNAPPAN Advocate SR.No.12767

ORDER
IN
CRL OP(MD) No.10521 of 2019
Date :01/08/2019

vsg
TK/VR/SAR.2/07.08.2019/3P/5C