

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

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.12003 of 2019

1. Noviyas
2. N.Rani

... Petitioners/Accused
Rank Not Known

Vs

State Rep.by,
The Inspector of Police,
All Women Police Station,
Tuticorin.
(In Cime No.16 of 2019)..

... Respondent/Complainant

For Petitioner : M/s. V. Malaiyendran,
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.16 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 5(1)(6)
of the Protection of Children from Sexual Offences Act, 2012 and
Section 366(A), 493, 506(i) of IPC @ Section 5(c) r/w. 6 of POCSO
Act, in Crime No. 16 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners have not committed any offence as
alleged by the prosecution and he has been falsely implicated in
this case. He further submitted that on the basis of the confession
statement given by co-accused this petitioners' name have been
included. He further submitted that the petitioners name have not

mentioned in the F.I.R. and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that these petitioners' name have been included on the basis of the confession statement given by co-accused and the petitioners are the parents of the victim girl. He further submitted that A1 in this case have already been arrested and subsequently, released on bail. However, he opposed the anticipatory bail application on the ground that investigation is still pending.

5.Considering the fact that in the F.I.R. the name of the petitioners have not mentioned and also the fact that only on the confession said to have been given by co-accused, the petitioners herein have been arrayed as accused and also the fact that the petitioners are the parents of the victim girl and the main allegations are against A1 and already A1 was arrested and subsequently, released on bail, this Court is inclined to grant anticipatory bail to the petitioners with 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 learned Judicial Magistrate No.III, Tuticorin, 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

<https://hcservices.mca.gov.in/hcservices/> 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/-
30/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. III,
TUTICORIN
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TUTICORIN.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.14557

ORDER
IN

CRL OP(MD) No.12003 of 2019
Date : 30/08/2019

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PK/JC/SAR-3/05.09.2019 : 3P/6C

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