



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

Date : 05/03/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.4098 of 2020

1. SEVVANTHI
2. SOUNDHAR

... PETITIONERS/ACCUSED RANK 2 & 3

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKKOTTAI POLICE STATION,
NAGAMALAI PUDUKKOTTAI,
MADURAI DISTRICT.
CRIME NO.636 OF 2019.

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.V.Selva,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

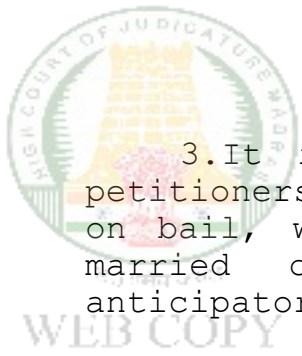
PRAYER :-

For Anticipatory Bail in Crime No.636 of 2019 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners are arrayed as Accused Nos.2 and 3 in Crime
No.636 of 2019, for the alleged offences under Sections 366(A) IPC
r/w 5(1), 6, 16, 17 of Protection of Children from Sexual Offences
Act, 2012.

2.According to the de-facto complainant, while she was studying
first year B.Sc., she has developed with the unknown person by Anbu
through Tik-Tok and on 14.12.2019, she met him for the first time
and went along with him to get married and later went to
Avudaiyarpattu, where the present petitioners are living. The first
petitioner is the cousin of A-1/Anbu. The girl missing case was
initially registered by the respondent police and later on securing
the victim girl, the present case has been registered for the above



3.It is submitted by the learned counsel appearing for the petitioners, the prime accused A-1 was arrested and later released on bail, whereas these petitioners knowingly gave shelter to the married couple, are now facing prosecution. Hence, seeks anticipatory bail in the event of arrest.

4.Considering the nature of the complaint and the role of the petitioners in the said offences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.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 Sessions Judge, Special Court For Exclusive Trial Cases of Under POCSO Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 concerned Magistrate and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/03/2020

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



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL CASES
OF UNDER POCSO COURT MADURAI.

2 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKKOTTAI POLICE STATION,
NAGAMALAI PUDUKKOTTAI, MADURAI DISTRICT.

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

+1 CC to M/s.V.SELVA, Advocate (SR-4949[I] dated 09/03/2020)

ORDER

IN

CRL OP(MD) No.4098 of 2020

Date :05/03/2020

SJI

JM/VR/SAR 3/09.03.2020/3P/5C