



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

Date : 12/06/2020

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PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) . No.6239 of 2020

1. Aandi
2. Lakshmi
3. Govindharaj ... Petitioners/Accused 2, 4 and 5

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
(Crime No.03 of 2020) ... Respondent/Complainant

For Petitioners : M/s. S.Kameswaran,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

To enlarge the Petitioners/Accused on bail in Cr.No.03 of 2020,
pending investigation on the file of the Respondent.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate(Criminal Side) appearing for the
respondent.

2. The petitioners are in custody since 27.05.2020 for the
offences punishable under sections 366 (A), 212 of I.P.C., and 5(1),
6, 16, 17 of POCSO Act r/w 9, 11 of Child Marriage Act, 2006, in
Crime No.03 of 2020, on the file of the respondent police. They seek
bail.



3. The primary allegations are directed only against the first accused. He is in custody. The girl has been rescued. Since allegations against the petitioners are on a different footing, I am inclined to grant relief to the petitioners.

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4. It is made clear that the first accused cannot take advantage of the bail granted to the petitioners herein. Accordingly, the petitioners are ordered to be released on bail and further,

(i) the petitioners shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioners are directed to 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 learned Special Court (POCSO), Sivagangai District, after the concerned Court is reopened on regular basis.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
12/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
SPECIAL COURT(POCSO),
SIVAGANGAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2. THE OFFICER IN CHARGE,
SUB JAIL,
SIVAGANGAI DISTRICT.
3. THE OFFICER IN CHARGE,
WOMENS PRISON,
NILAKOOTAI,
DINDUGAL DISTRICT.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.6239 of 2020
Date :12/06/2020

TSG
SRS/ VR/ SAR-III/ 15.06.2020/ 3P/6C