



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

Date : 20/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7193 of 2020

1. Muniyandi,
2. Muthumani,

... Petitioners/Accused No.5 & 6

Vs

State rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No. 72 of 2020.

... Respondent/Complainant

For Petitioner : M.Murugesan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No. 72 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 344, 366(A) of I.P.C. and Section 18 of Protection of Children From Sexual Offences Act in Crime No.72 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are brothers. The minor victim girl by name Meena said to have been kidnapped by the petitioners and other accused persons for the purpose of getting marriage with A-6. Hence, a complaint has been registered.



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

4. The learned counsel appearing for the petitioners would submit that the petitioners who are arrayed as accused Nos. 5 & 6. He would further submit that the victim minor girl said to have been in love with A-6 and her own wish she came out of her parents' house. Thereafter, the parents of the victim girl has filed a complaint and hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the minor victim girl is aged about 15 years. He would further submit that, based on a complaint given by the parents' of the minor victim girl all the other accused persons were arrested. He would further submit that the minor victim girl has also given a statement under Section 164 of Cr.P.C. before the learned Magistrate it could be seen that the minor victim girl has fell love with A-6 and her own wish she came out of her parents' house. He would further submit that, the minor victim girl has secured and she is now in the custody of her parents.

6. Considering the rival submissions and also perused the records. From the statement of the victim girl given under Section 164 of Cr.P.C., it could be seen that the minor victim girl has fell love with A-6 and her own wish she came out of her parents' home and also considering the fact that now the minor girl has secured and she is now in the custody of her parents, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Sessions Judge/Special Court for Trial of cases under POCSO Act, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(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 on when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness
<https://www.hccourtsgov.in/home> 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/07/2020

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/ /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 SESSIONS JUDGE/SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, MADURAI.
2. THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7193 of 2020
Date : 20/07/2020

KSA
AE/JC/SAR-III (22.07.2020) 3P 4C