



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

Date : 29/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7372 of 2020

1.G.Jeyakumar
2.J.Vasuki

... Petitioners/Accused
No.2 and 3.

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thiruvaiyaru, Thanjavur.
Crime No.3/2020.

... Respondent/Complainant

For Petitioners : M/s.T.A.Punithan,
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 Crime No.3 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as accused No. 2 & 3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 4, 5(1), 5(1)(ii), 6 of POCSO Act and Section 506(i) of IPC, in Crime No.3 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are father and mother of A-1. The victim girl is minor aged about 14 years. On a false promise, A-1 said to have made sexual intercourse in several times with minor victim girl and she is now got pregnancy of 6 months. The defacto complainant has approached the petitioners to marry her daughter with A-1, but the petitioners have refused to marry with his son/A-1 and instead of they have instructed the defacto complainant to abort the child. Hence, the complaint.

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 submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there is no specific allegation against the petitioners and A-1 was arrested. The first petitioner is a physically challenged person and the second petitioner is a house wife. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that these petitioners are parents of A-1 and the victim girl is now got pregnancy of 6 months. He further submitted that the minor victim girl has given a statement under Section 164 Cr.P.C. before the learned Magistrate making allegations against A-1, and there is specific allegations against these petitioners that they refused to get the victim girl married to A-1. He further submitted that A-1 was arrested and remanded in judicial custody from 14.06.2020.

6.Considering the rival submissions and also perused the records. Petitioners are parents of A-1 and from the statement of the minor victim girl given under Section 164 (5) of Cr.P.C., it could be seen that the entire allegations are against A-1 only and there is no specific allegations against the petitioners and also considering the fact that A-1 was arrested and remanded in judicial custody from 14.06.2020, 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 Special Judge for Exclusive Trial of Cases under POCSO Act, Thanjavur, 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 and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/07/2020

/ 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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, THANAJAVUR.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVAIYARU, THANJAVUR.

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

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-5847[I] dated 30/07/2020)

ORDER
IN
CRL OP(MD) No.7372 of 2020
Date : 29/07/2020

TK/VR/SAR.3/31.07.2020/3P/5C

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