



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7465 of 2020

1. Mahandran,
2. Tamilselvi @ Thamilmalr,
3. Velu @ Velmurugan,
4. Thanam @ Rathinam, ... Petitioners/Accused No.1,3 to 5

Vs

The State Rep by
The Inspector of Police,
Thallakulam Police Station,
Madurai District
Cr.No. 1067 of 2020. ... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh,
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. 1067 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1, A3 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 366(A) and 506(ii) of IPC @ into 147, 366(A) and 506(ii) of IPC r/w 5(1) and 6 of POCSO Act in Crime No.1067 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the 3rd petitioner's son fall in love with the defacto complainant's daughter and the petitioners were arranged for the marriage and also intimidated the defacto complainant's family. 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 friend, sister and parents of A1. He further submitted that the petitioners are innocent and they have no involvement in the alleged crime and they have falsely implicated in this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that for the purpose of getting marriage all the accused kidnapped the minor girl. Hence, he objected to grant anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the statement of the victim girl recorded under Section 164(5) of Cr.P.C. by the learned Judicial Magistrate, which reveals the fact that there is no allegation as against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Special Court for POCSO Act, Tirunelveli District, and on their executing 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 learned Magistrate concerned and on further condition that,

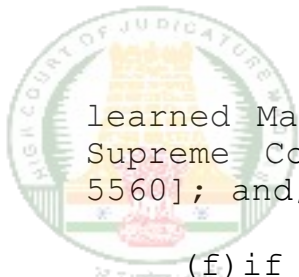
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/07/2020

/ TRUE COPY /

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

vsd

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 Court For POCSO Act,
Tirunelveli District.
- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.7465 of 2020
Date : 21/07/2020

TR/RSK/SAR-III (27.07.2020) 3P 4C