



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

Date : 27/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7518 of 2020

1. Ammani Pappa,
2. R.Sangeetha,

... Petitioners Nos.1 and 2/
Accused Nos.3 & 4

Vs

The State rep.by
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District
Crime No.748/2020.

... Respondent/Complainant

For Petitioners : M/s.D.S.Haroon Rasheed,
Advocate.

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

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

PRAYER :-

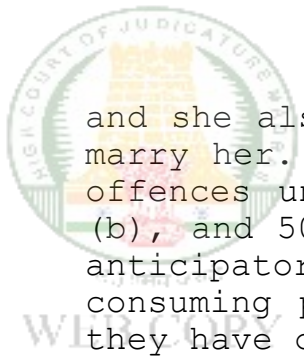
For Anticipatory Bail in Crime No.748 of 2020 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
305, 201 and 212 of IPC and Section 4 of TNPHW Act, seek
anticipatory bail.

2. Heard both sides.

3. The deceased Annakili is uncle's daughter of A1. The case of
the prosecution is that earlier A1 in this case had sexual
intercourse with the deceased on the promise that he will marry her



and she also become pregnant. Thereafter A1 said to have refused to marry her. Hence a criminal case was registered against A1 for the offences under Sections 3(a), 4, 5(j)(ii), 6 of POCSO Act, 2012, 294(b), and 506(i) of IPC in Crime No.10 of 2020, where A1 was granted anticipatory bail. Subsequently the deceased committed suicide consuming poison. The allegations against the petitioners are that they have only intimidated the deceased and asked her not to compel A1 to marry her.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. The petitioners herein are mother and mother's sister and they are no way connected with the case. He would also submit that A1 was even now ready for DNA Test.

5. The learned Government Advocate(Crl.Side) would submit that the petitioners are mother and mother's sister of A1. Earlier criminal case was registered against A1, pending the same the petitioner threatened the deceased, thereby she committed suicide.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioners herein are mother and mother's sister and they are no substantial allegations for abetment and the petitioners being womenfolk, and the main allegations are only against A1, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai 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.

(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/-
27/07/2020

/ 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 JUDICIAL MAGISTRATE, MANAPPARAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
VAIYAMPATTY POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7518 of 2020
Date : 27/07/2020

AAV
AE/PN/SAR-II (28.07.2020) 3P 5C