



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

Date : 04/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7697 of 2020

WEB COPY

1. Selvi
2. Vignesh

... Petitioners/Accused

Vs

The State
The Inspector of Police,
Ilupur Police Station,
Pudukottai District,
Cr.No. 143 of 2020.

... Respondent/Complainant

For Petitioner : M/s S.Prabha
for Mr.D.Ramesh Kumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
For Intervenor : Mr.P.Ganapathi Subramanian

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

PRAYER :-

For Anticipatory Bail in Crime No.143 of 2020 on the file of
the Respondent Police

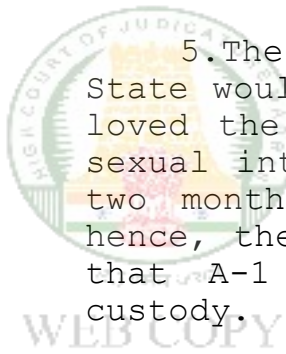
ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3 apprehending arrest at the
hands of the respondent police for the offences punishable under
Sections 173(3)(iv) of Cr.P.C. @ Sections 176, 201, 305 of IPC r/w
Section 6 of POCSO Act, in Crime No.143 of 2020, on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that A-2 is the mother and A-3
is the brother of A-1. The de-facto complainant's daughter, minor
girl, namely, Sowmiya, who is aged about 17 years and A-1 were loved
each other and also having sexual intercourse. Since the de-facto
complainant's daughter got pregnancy two months, she asked A-1 to
marry her and A-1 has refused and hence, the de-facto complainant's
daughter has committed suicide. Hence, a case has been registered.

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

4.The learned counsel appearing for the petitioners would
submit that so far as this petitioners are concerned, the allegation
is they asked A-1, not to marry the deceased and A-3 in this case
said to have threatened the de-facto complainant and no other overt
act is attributed.



5. The learned Government Advocate (Crl.Side) appearing for the State would submit that the main allegation is against A-1. A-1 has loved the deceased and promised to get marry her and also having sexual intercourse with her and as a consequence, the deceased was two months pregnant. Thereafter, A-1 refused to marry her and hence, the deceased had committed suicide. He would further submit that A-1 was already arrested and now remanded into judicial custody.

6. Considering the facts and circumstances of the case and also considering the fact that there is no substantial allegation against these petitioners and the only allegation is that they asked A-1 not to marry the deceased and A-1 was already arrested and now remanded into judicial custody, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Illupur, Pudukkottai District, 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

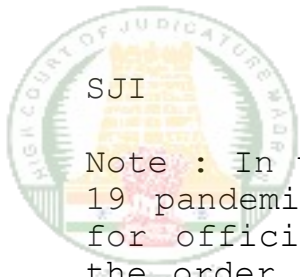
sd/-

04.08.2020

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



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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 Court,
Illupur, Pudukkottai District
2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.
3. The Inspector of Police,
Ilupur Police Station,
Pudukkottai District,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7697 of 2020

Date : 04/08/2020

VB (12.08.2020) 3P 5C