



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7979 of 2020

MAYANDI

... PETITIONER/ACCUSED NO.2

VS

STATE REP.BY

THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

(IN CRIME NO.159 OF 2020). ... RESPONDENT/COMPLAINANT

For Petitioner : M/s.R.Karunanidhi,
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.159 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 366(A) of I.P.C. and Sections 6(L), 17 & 21 of Protection of Children from Sexual Offences Act, 2012 in Crime No.159 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the minor victim girl, namely, Padhmabala was kidnapped by A-1 and also having sexual intercourse. The petitioner is concerned said to have helped A-1 for marriage of A-1 with minor victim girl. Hence, a case has been registered.

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



4.The learned counsel appearing for the petitioner would submit that the entire allegation is only against A1. The petitioner has not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (criminal side) appearing for the respondent police would submit that the minor victim girl has also given a statement under Section 164 of Cr.P.C. before the learned Magistrate in which there is no allegation against this petitioner.

6. Considering the rival submissions of the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent police and also considering the fact that the allegation against the petitioner is that the petitioner only helped A1 at the time of kidnapping. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 POCSO Act Cases, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 petitioner 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 petitioner shall report before the respondent police as on when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
31/07/2020

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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 POCSO ACT CASES,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7979 of 2020
Date :31/07/2020

das
JM/AKM/SAR 2/06.08.2020/3P/4C