



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

Date : 27/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8765 of 2020

1. Dharanitharan
2. Shanmugam
3. Chandramathi

... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
All Women Police Station,
Palani,Dindigul District.
Crime No.13/2020.

... Respondent/Complainant

For Petitioners: M/s.A.Mohan,
Advocate.

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

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

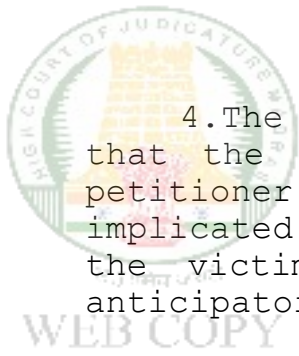
PRAYER :- For Anticipatory Bail in Crime no.13/2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 506(i) of IPC and Section 3(a), 4 of POCSO Act, in Crime No.13 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 16 years was in love with the first petitioner/A-1, and not accepting the same, the father of the victim girl said to have detained her. Thereafter, the victim girl left from her parental home along in with A-1 and stayed in his friend's house. Based on a complaint given by the parents of the victim girl, a case has been registered.

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



4.The learned counsel appearing for the petitioners submitted that the second and third petitioners are parents of the first petitioner and they are innocent persons and they have been falsely implicated in this case. He further submitted that on her own wish the victim girl left from her parental home. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that based on a complaint given by the parents of the victim girl, she was secured. Since the victim girl is not willing to go along with her parents she is now staying in Gandhi Seva Sangam, Chathirapatti.

6.Considering the facts and circumstances of the case and on perusal of 164 of Cr.P.C. statement given by the victim girl, it could be seen that the victim girl was in love with A-1 and since the father of the victim girl harassed her she left from her parental home along with A-1 and now the victim girl was secured and there is no other serious allegations against the first petitioner and the other petitioners are only parents of A-1 and hence, 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 Mahila Court (FTC), Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with **common surety** 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

<https://hjservices.ecourts.gov.in/hjservices/> 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2020

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/ /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 JUDGE,
MAHILA COURT(FTC), DINDIGUL.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALANI, DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8765 of 2020
Date : 27/08/2020

MS/PN/SAR-3/02.09.2020/3P.4C