



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11236 of 2020

1.Shanmugam
2.Shanthakumari

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Aruppukottai.
Virudhunagar District.
In Crime No.14 of 2020.

... Respondent/Complainant

For Petitioners: Mr.C.Susi Kumar,
Advocate.

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

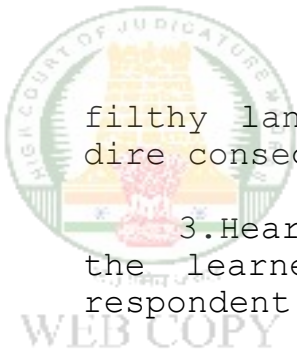
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.14 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 & A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 376(2)(c)(k), 417, 312, 294(b) and 506(i) IPC., r/w Section 4 of Prohibition of Harassment of Women Act @ under Sections 5(b), (1), 6 of POCSO Act and 376(2)(c)(k), 417, 312, 294(b) and 506(i) of IPC r/w Section 4 of Prohibition of Harassment of Women Act, in Crime No.14 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant fell in love with the first accused and on the pretext of marriage, the first accused had physical relationship with the minor girl, who is aged about 17 years. Due to which, she got pregnant and on the inducement of the first accused, she aborted the child. When the



filthy language and also threatened the defacto complainant with dire consequences. Hence, the present 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 parents of the first accused, they have not committed any offence as alleged by the prosecution.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that so far as the first accused is concerned, still he is not secured and absconding. He is under custody of the petitioner's herein and he has committed serious and heinous offence as against the victim girl. Now the victim girl got pregnant and subsequently on the inducement of the first accused, she aborted the child. When it was placed before the petitioners herein, the petitioners have scolded and threatened her with dire consequence.

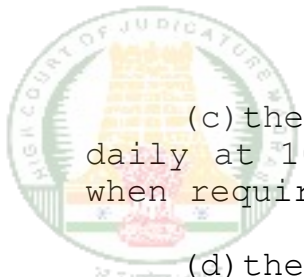
6. It is seen that there are totally three accused, in which the petitioners are arrayed as A2 and A3 parents of the first accused. The first accused on the pretext of the false promise, sexually assaulted the victim girl. Due to which, the victim got pregnant and subsequently on the inducement of the first accused, she aborted the child. Thereafter, the first accused along with the petitioners refused to marry the victim girl.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, out of which one shall be a blood related surety, 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 surrender their son before the respondent police herein. On such surrender of their son, the learned Magistrate shall accept the sureties produced by the



(c)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/10/2020

/ /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, ARUPPUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.11236 of 2020
Date :13/10/2020

MS/JC/SAR-4/19.10.2020/3P.5C

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