



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/10/2020

PRESENT

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

CRL OP(MD) . No.11433 of 2020

1. Kavitha
2. Jayaprakash

... Petitioners/A-2 & A-3

Vs

State through
The Inspector of Police,
All Women Police Station, Karaikudi.
(In Crime No.15 of 2020).

... Respondent/Complainant

For Petitioners : M/s.R.Raj Prabhu,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.15 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7 & 8 of POCSO Act, 2012 and 506(ii) of IPC seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the first accused got married with the sister of the victim girl who is aged about 17 years in the year 2014. Thereafter, the victim girl visited her sister's house and at that time the first accused attempted to have sexual assault on the victim girl. In the year 2019, when no one was in the house, A-1 sexually assaulted the victim girl in an unnatural manner and committed very serious and heinous offence. Hence, the complaint.



4. The learned counsel for the petitioners would submit that the petitioners are parents of A-1 and nothing to do with the crime as alleged by the prosecution. He would further submit that the first accused already arrested and remanded in judicial custody. Hence, he seeks anticipatory bail.

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5. The learned Government Advocate (Crl. Side) would submit that A-1 was already arrested and remanded in judicial custody and in so far as the first petitioner/A-2 is concerned, she also threatened the victim girl to marry the first accused and in so far as the second petitioner herein is concerned he is not an accused.

6. It is seen from the records that the second petitioner herein is not an accused and also recorded the said statement of the learned Government Advocate (Crl. Side) the Criminal Original Petition stands closed as against the second petitioner. The first petitioner is concerned she is mother of the first accused. According to the case of prosecution, the first accused got married the sister of the victim girl in the year 2014. Thereafter, the first accused sexually assaulted the victim girl who is aged about 17 years. The first accused was already arrested and remanded into judicial custody. In so far as the first petitioner is concerned, when the victim girl and her family members informed about the occurrence the first petitioner herein threatened them.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the first petitioner herein with certain conditions.

8. Accordingly, the Criminal Original Petition is partly allowed and the first petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood relative 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 first 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 first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

(c) the first petitioner shall not tamper with evidence or
<https://www.mca21.gov.in/> during investigation or trial;



(d) the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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/first petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/10/2020

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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 PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARAIKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11433 of 2020

Date : 15/10/2020

KSA

AE/JC/SAR-III (29.10.2020) 3P 5C