



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

WEB COPY

PRESENT

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

CRL OP(MD)No.12036 of 2020

1. Krishnan
2. Kannammal
3. N.Selvam

... Petitioners/Accused Nos.2 to 4

Vs

State through
The Inspector of Police,
All Women Police Station,
Nanguneri, Tirunelveli District.
Crime No.7/2020.

... Respondent/Complainant

For Petitioners : M/s.C.Susi Kumar,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No. 7 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

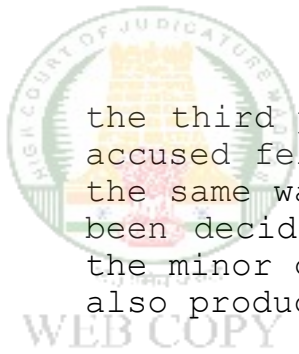
The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 (A), 376(2)(ii) of IPC and Sections 5(L), 6 of Protection of Child from Sexual Offences Act, 2012 in crime No.7 of 2020, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that A1 fell in love with the victim minor girl and also got married with the help of the petitioners. Hence, a complaint.

4.The learned counsel for the petitioners would submit that the first and second petitioners are relatives of the first accused and

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the third petitioner is the friend of the first accused. The first accused fell in love with the minor girl for the past two years and the same was objected by the parents of the minor girl and they have been decided to marry. In fact, their marriage was registered and the minor girl now attained major and their marriage certificate was also produced.

5.The learned Government Advocate(Crl.Side) would submit that the first accused was arrested and subsequently, he was released on bail.

6.It is seen that there are totally four accused and the petitioners herein are arrayed as A2 to A4. A1 fell in love with the minor girl and thereafter, got married. After attaining major, their marriage was also registered and marriage certificate was also produced. The petitioners are concerned they only helped the first accused and now the first accused and the victim girl live together.

7.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the first accused was arrested and released on bail, 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 fifteen days 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 petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

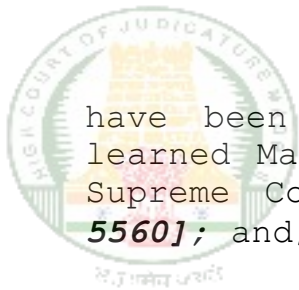
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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
ALL WOMEN POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12036 of 2020

Date :04/11/2020

GNS

AE/SMA/SAR-II (18.11.2020) 3P 4C