



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

Date : 10/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12685 of 2020

1. Selvam
2. Murugeshwari
3. Veereswari
4. Satheesh

... Petitioners/Accused 1 to 4

Vs

State rep.by
The Special Sub Inspector of Police,
Allinagaram Police Station,
Theni, Theni District.
Crime No.2429 of 2020.

... Respondent

For Petitioners: M/s.G.Vanjinathan,
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 Cr.No.2429 of 2020 on the file of the respondent police.

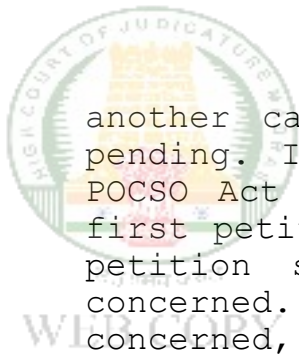
ORDER : The Court made the following order :-

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

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 354D, 195A & 506(i) of I.P.C., and Section 12 of POCSO Act, 2012, in Crime No. 2429 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case against the petitioners is under the POCSO Act.

4.The learned Government Advocate (Crl.side) appearing for the State made a submission that against the first petitioner, yet



another case was registered under the POCSO Act and the same is pending. In view of the fact that the petitioner is booked under POCSO Act on two occasions, it is not preferable to consider the first petitioner to release on anticipatory bail. Accordingly, this petition stands dismissed, as far as the first petitioner is concerned. As far as the other petitioners viz., 2 to 4 are concerned, there is no previous case. The allegation against the petitioner Nos.2 to 4 are that they have frequently threatened the victim through cell phone.

5.This being the allegation set out by the prosecution, this Court is inclined to grant anticipatory bail to the the petitioner Nos.2 to 4 with certain conditions.

6.Accordingly, the petitioner Nos.2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Sessions Judge, Fast Track Mahila Court, Theni, on condition that the petitioner Nos.2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two common 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 Nos.2 to 4 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 Nos.2 to 4 shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioner Nos.2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner Nos.2 to 4 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 Nos.2 to 4 in accordance with law as if the conditions have been imposed and the petitioner Nos.2 to 4 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 petitioner Nos.2 to 4/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/11/2020

/ TRUE COPY /

WEB COPY

/ /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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, THENI.
2. THE SPECIAL SUB INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI, THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12685 of 2020
Date :10/11/2020

MS/VR/SAR-4/19.11.2020/3P.4C