



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13275 of 2020

Devadas

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thiruppathur.
Crime No.6 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Suresh Kumar,
Advocate.

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

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

PRAYER :-

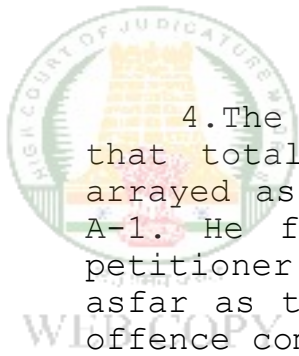
For Anticipatory Bail in Crime No.6 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 366(A) and 120(b) of I.P.C. and Sections 5(I)(n) r/w Section 6 of Protection of Children from Sexual Offences Act and Section 9 of Child Marriage Act, 2012, in Crime No.6 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that A-1 fall in love with the minor victim girl, namely; Karthiga with the help of the petitioner/A-2. It is further alleged that the petitioner has provided shelter to A-1 and the minor victim girl. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that totally there are three accused in which the petitioner is arrayed as A-2 and A-1 and A-3 are friends and he is not friend of A-1. He further submitted that only on the request of A-3 the petitioner helped A-1 and also provided job to him and therefore, asfar as the petitioner is concerned he had no knowledge about the offence committed by A-1. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal side), on instructions, submitted that totally there are three accused in this case and the petitioner is arrayed as A-2 and A-1 was already arrested and released on bail. Subsequently, he also committed suicide and died. He further submitted that A-1 fall in love with the minor victim girl and also had sexual assault on her. Insofar as the petitioner is concerned he helped A-1 and provided shelter to A-1 and the victim girl.

6.It is seen from the records that totally three accused and A-1 fall in love with minor victim girl and eloped. The petitioner helped to A-1 and also provided shelter and employment. Now, A-1 has committed suicide and sofar as the petitioner is concerned he only provided employment to A-1 and shelter for him.

7.Considering the fact and circumstances of the case the custodial interrogation of the petitioner is not required and therefore this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

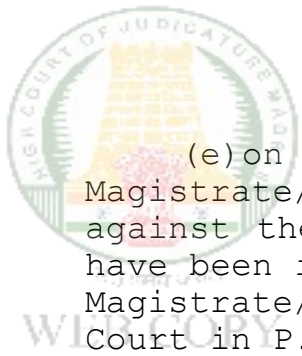
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, (Judicial Magistrate Level), Sivagangai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a)the 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 petitioner shall appear before the respondent police for a period of Two Weeks and thereafter as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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/petitioner 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 ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LEVEL),
SIVAGANGAI,
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13275 of 2020

Date : 23/11/2020

KSA

SRS/AKM/SAR-II/01.12.2020/3P/5C

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