



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/12/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16111 of 2020

1. S.Gurusamy
2. Marrimuthu

... Petitioner 1 to 2

Vs

State Rep. by
The Inspector of Police,
Muthiyapuram Police Station,
Tuticorin, Tuticorin District.
(Crime No.362/2020).

... Respondent

For Petitioners: M/s.Arumugam.S,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.362/2020 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 366A and 506(ii) of I.P.C. r/w. Sections 3A and 4 of POCSO Act, in Crime No.362 of 2020 on the file of the respondent police, seek anticipatory bail.

3. It is submitted that the main accused namely, Ayyanar @ Kapali was released on bail by this Court on 03.12.2020 in Crl.O.P. (MD) No.16111 of 2020, on the basis of the statement given by the

<https://hccs.mca.gov.in/crimservices/>



victim girl, even though the investigation is in progress. The statement given by the victim girl under Section 164 Cr.P.C. did not reveal much facts against the accused persons. Since there is already an observation by this Court, on the very same ground, the petitioners are also entitled to be released on bail.

WEB COPY

4. In the view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for Exclusive Trial of Cases under POSCO Act, Thoothukudi, and on their executing 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 at 10.30 a.m for a period of two weeks and thereafter, 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;

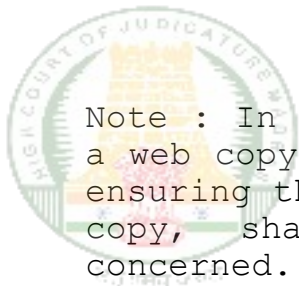
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
31/12/2020

/ TRUE COPY /

/ /2021
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.

WEB COPY

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE,
MUTHIYAPURAM POLICE STATION,
TUTICORIN, TUTICORIN DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16111 of 2020
Date :31/12/2020

IAS/RMK
JM/PN/SAR IV/05.01.2021/3P/4C