



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6934 of 2021

1. Arul Prakasam
 2. Rajakumari @ Murugammal
 3. S.Syed Ali
 4. Mydeenbeevi
- ... Petitioners/Accused Rank Nos.2 to 5

Vs

The State Represented by
The Inspector of Police,
Achanputhur Police Station,
Tenkasi District.

Crime No. 237 of 2020. ... Respondent/Complainant

For Petitioners : Mr.B.Ramanathan,
Advocate.

For Respondent : Mr.M.Muthu Manikam
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in Crime No. 237 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 366, 376, 109 of IPC and 6,5 (1), 17 of Protection of Children from Sexual Offences Act, 2012 and Section 9, 10 of Child Marriage Act, 2006 in Crime No.237 of 2020 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the first accused and the victim girl were in love and eloped. Subsequently, at the

<https://hcservices.ecourts.gov.in/hcservices/>



instance of the father of the victim girl, this complaint has been registered.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case. He further submitted that the first accused has already been arrested and thereafter released on bail by this Court in Crl.O.P(MD).No.5844 of 2021 dated 26.04.2021 and hence, they seek anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the victim girl had a love affair with the 1st accused and she eloped with him. Thereafter, the petitioners and their family members tried to perform marriage his knowledge that the victim girl is minor but, the marriage was not conducted.

6.Considering the facts and circumstances of the case, since the first accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent Police and on further condition that the petitioner shall appear before the learned Session Judge, Special Court for POCSO Act Cases, Tirunelveli, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand Only] each with two sureties for a likesum to the satisfaction of the concerned Session Judge, Special Court for POCSO Act Cases, Tirunelveli, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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 appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/05/2021

/ 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.

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ACHANPUTHUR POLICE STATION, TENKASI DISTRICT.

ORDER
IN
CRL OP(MD) No.6934 of 2021
Date : 19/05/2021

kmm
AE/MNR/SAR-III/25.05.2021/3P/3C