



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

Date : 13/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9202 of 2021

1. Poonkani
2. Manikandan

... Petitioners/Accused
Rank No.2 and 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
Crime.No.11/2021.

... Respondent/Complainant

For Petitioners: Mr.S.J.Chakkaravarthy,
Advocate.

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

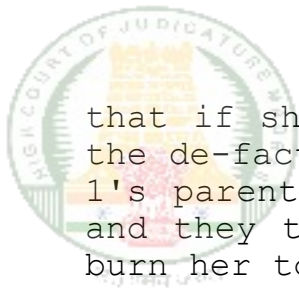
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory bail in Crime No.11 of 2021 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 alleged offences punishable under Sections 294(b), 506(ii) IPC r/w Sections 7, 8, 11(5), 12 POCSO Act 2012 in Crime No.11 of 2021, seek anticipatory bail.

2.The case of the prosecution is that de-facto complainant is studying 12th standard in St.Francis Xavier Higher Secondary School, Manguli. She was born on 20.03.2004. She is aged 16 years. On 08.03.2021 at about 06.00 a.m, the victim and her father were taking bath near the valli river and at that time, the petitioner/A1, namely, Satheeshkumar, took the photograph of her taking bath and thereafter, he sent the photo through the Face book and threatened her to upload the photograph in the website. On 14.03.2021 at about 05.30 a.m., she was taking water from the water pipe, A-1 illegally touched the breast of the de-facto complainant, when she raised noise, he left the place and threatened the de-facto complainant



that if she informs the same to anybody, he kill her. Thereafter, the de-facto complainant informed the same to the parents of A-1, A-1's parents scolded the defacto complainant and her family members and they threatened to pour petrol on the de-facto complainant and burn her to death. Hence, the complaint. Hence, the complaint.

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3.The learned counsel for the petitioners submitted that the petitioners earlier filed an anticipatory bail petition in CrI.O.P. (MD)No.4862 of 2021 and the the same was dismissed on 23.04.2021. He further submitted that after dismissal of the earlier petition, A1 was arrested and subsequently released on bail. He also submitted that the petitioners herein are mother and brother of A1 and they were no way connected with alleged act of A1. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.It is seen from the allegations made in FIR that A1 is the person, who indulged in committing the offence covered under the provisions of POCSO and these petitioners only said to have threatened and abused the defacto complainant. Taking note of the fact that A1 was arrested and released on bail and also considering the nature of allegation against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Sessions and Special Court for POCSO cases, Nagercoil, Kanyakumari District 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 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 respondent police daily at 10.30 am., 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]**.

[f]If the accused thereafter abscond, 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 DISTRICT SESSIONS AND SPECIAL JUDGE
FOR POCSO CASES, NAGERCOIL, KANYAKUMARI DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL,
KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.J.CHAKKARAVARTHY, Advocate (SR-4597[I] dated 15/07/2021)

ORDER IN

CRL OP(MD) No.9202 of 2021

Date :13/07/2021

GNS

MS/MNR/SAR-5/15.07.2021/3P.5C