



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9169 of 2021

1. Vedaselvi
2. Raja @ Jebastin Jebaraja ... Petitioners/Accused Nos. 2 & 3

Vs

The Inspector of Police,
All Women Police Station, Tiruchendur,
Thoothukudi District.

Crime No. 13/2021 ... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan,
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. 13 of 2021 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioners/2 and 3, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 294(b), 506(i) of IPC and Sections 5(j)(ii), 5(l), 5(n), 6
of POCSO Act in Crime No.13 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the daughter of the
defacto complainant/victim is 17 years and she is a mentally
challenged person. On 18.06.2021 she vomited, therefore she was
taken to Sumathi hospital. The doctor informed that the victim was
pregnant. When she was enquired, she informed that the first
accused who is the father of the first petitioner had sexually
violated her several times. On 20.06.2021 the foetus got aborted on
its own. 28.06.2021 when the defacto complainant told the
petitioners that their father ravished her daughter, they scolded



her in filthy language and also criminally intimidated her. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending.

5. From the narration of the facts it is seen that it was the first accused who had ravished the minor victim girl. There is no allegation that these petitioners have involved in the act of ravishing the minor victim girl. Further the only allegations levelled against these petitioners is that they have criminally intimidated the defacto complainant by saying that they would eliminate her if she gives any complaint to the police.

6.Taking into consideration the facts and circumstances of the case and the fact that the main allegations are against the first accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

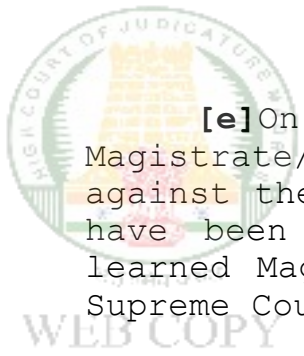
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for exclusive trial of cases under POCSO Act, Thoothukudi on condition that the petitioners 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 the respondent police, daily 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]**;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/07/2021

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/ /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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THOOTHUKUDI.
 2. -DO- THRO' THE PRINCIPAL DISTRICT AND SESSION JUDGE, THOOTHUKUDI.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to MR.N.PRAGALATHAN, Advocate (SR-4500[I] dated 12/07/2021)

ORDER
IN
CRL OP(MD) No.9169 of 2021
Date :12/07/2021

AAV
RT/AKM/SAR-III/14.07.2021/3P/6C