



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14.07.2021

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PRESENT

**The Hon`ble Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD)No.9184 of 2021

- 1.Paraman, S/o, Karuppanan
- 2.Murugan
- 3.Paraman, S/o, Mari Moopar
- 4.Sempattachi @ Lakshmi
- 5.Kali @ Kaliammal
- 6.Petchiammal
- 7.Petchi @ Petchiammal
- 8.Veerapandi @ Veerapandian
- 9.Sooran
- 10.Chinnan

... Petitioners/Accused

Vs

The State Represented by,  
The Inspector of Police,  
M.Kallupatti Police Station,  
Madurai District.  
Crime No.64 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.Mahendrapathy,  
Advocate.

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

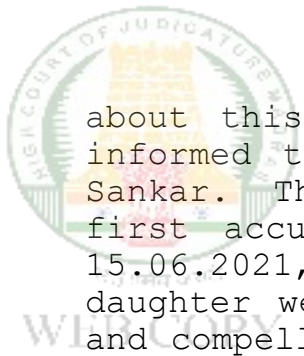
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.64 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 11(ii) and 12 of Protection of Child from Sexual Offences Act, 2012 and Sections 147, 323, 324 and 506(1) of IPC in Crime No.64 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter was studying 10th standard and she was eve teased by the  
<https://hservices.ecourts.gov.in/hcservices/> first accused, Ayyanar. The defacto complainant's daughter informed



about this to the defacto complainant and in turn, the same was informed to the brother of the defacto complainant, namely, Raja Sankar. The said Raja Sankar told the incident to the father of the first accused and asked him to correct the first accused. On 15.06.2021, at about 12.00 noon, when the defacto complainant's daughter went for collecting water, the first accused followed her and compelled her to love him and also committed eve teasing. This was informed to the defacto complainant. At about 03.30 pm, when the defacto complainant and her husband asked to the first accused Ayyanar, as to why, he is eve teasing their daughter, the accused attacked them and the defacto complainant and others suffered injuries. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He submitted that the defacto complainant and the petitioners are relatives. Further, there is no case made out for registering First Information Report under the Protection of Child from Sexual Offences Act, 2012. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. However, he submitted that the injured have been discharged from the Hospital.

5. It is seen from the allegations made in the First Information Report that the first accused was the main accused, who had indulged in eve teasing of the minor daughter of the defacto complainant. When this was questioned by the defacto complainant and her husband, they were attacked by the other accused. Now, the injured have been discharged from the Hospital. Taking the above factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, 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 Special District Mahila Court (POCSO Act Cases), Madurai 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 1 to 3 and 8 to 10 shall report before respondent police daily at 10.30 am., until further orders. The petitioners 4 to 7 shall report before the respondent police as and when required.

[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/-

14/07/2021

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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 DISTRICT MAHILA COURT(POCSO ACT CASES),  
MADURAI.

2 THE INSPECTOR OF POLICE,  
M.KALLUPATTI POLICE STATION,  
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9184 of 2021

Date :14/07/2021

MBI

MK/JC/SAR.IV/16.07.2021/3P/4C

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