



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14418 of 2021

1. Masanamuthu
2. Latha
3. Thangalakshmi @ Lakshmi
4. Devi Priya @ Priya

... Petitioners/Accused 2 to 5

Vs

The State rep.by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
Crime No.170 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.MUTHUMALAI RAJA,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.170 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 147, 294(b) and 506(ii) IPC and Sections 3 and 4 of Protection of Child from Sexual Offences Act, 2012, in Crime No.170 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the first accused fell in one side love with the defacto complainant's younger daughter, who is studying 10th standard. The first accused compelled the victim girl to receive his mobile number, but, she refused to receive his mobile number, due to which, on 24.08.2021, at about 3.30 p.m., when the victim girl was alone in her house, the first accused illegally entered into the house of the victim girl and sexually abused her. Immediately, the victim girl informed the said incident to the fifth accused, namely, Priya. At that time, all other accused assembled together and threatened her that if she discloses about the said incident to others, they would kill her and her mother. Thereafter, the victim girl informed the said incident to the defacto



complainant. When the defacto complainant came to the house of the first accused and questioned the act of the first accused, the entire family members of the first accused threatened her. Hence the complaint.

3. The learned counsel for the petitioners submits that that the first petitioner is the father, the second petitioner is the mother, the third petitioner is the aunty and fourth petitioner is the sister of A1. The petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submits that the first accused fell in love with the victim girl. Therefore, the defacto complainant has lodged a false complaint against the first accused and his family members. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the first accused has been arrested and the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and also the fact that the first accused has already been arrested and the petitioners are parents, aunty and sister of the first accused, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. The petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, 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.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent Police once in a week of every Monday at 10.30 am., until further orders;

(c) the petitioners shall not tamper with the 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 Judge/ 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 are released on bail by the learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW**



(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/10/2021

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/ /2021

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

ORDER

IN

CRL OP(MD) No.14418 of 2021
Date :05/10/2021

SA/SKN/SAR.3/20.10.2021/3P/4C