



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15365 of 2021

1. Poonkani
2. Manikandan ... Petitioners/Accused Rank Nos.2 and 3

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.J.Chakkkaravarthy,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

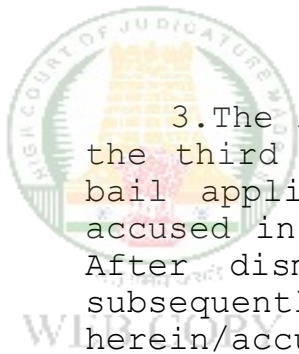
PRAYER :-For Anticipatory Bail in Crime No.11 of 2021 on the file of the Respondent Police.

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, 13(a), 13(c) of POCSO Act, 2012 in Crime No.11 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 08.03.2021 at about 06.00 a.m, the victim and her father were taking bath in the Velliar river. At that time, the first accused 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, while the defacto complainant was standing in front of the water tank, A-1 illegally touched the body 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 will kill her. Thereafter, the de-facto complainant informed the same to the parents of A-1. But, the first accused 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.

<https://hcc.mca.courts.mca.in/home.do>



3.The learned counsel for the petitioners submitted that this is the third anticipatory bail application and the first anticipatory bail application filed by the petitioners herein and the first accused in CrI.O.P.(MD)No.4862 of 2021 was dismissed on 23.04.2021. After dismissal of the earlier petition, A1 was arrested and subsequently released on bail. Thereafter, the petitioners herein/accused Nos.2 and 3 filed another anticipatory bail application in CrI.O.P.(MD).No.9202 of 2021 and the same was ordered on 13.07.2021. However, due to illness of the petitioners, they have not appeared before the concerned Court in time and the time stipulated in the order passed in CrI.O.P.(MD).No.9292 of 2021 was lapsed. Hence, the present petition has been filed seeking anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police admitted that the petitioners have already been granted anticipatory bail by this Court, in CrI.OP(MD)No.9202 of 2021, dated 13.07.2021 and that they have not complied with the conditions stipulated therein.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that they have already been granted anticipatory bail by this Court and their failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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 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.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police as and when required for interrogation and the second petitioner shall report before the respondent Police daily at 10.30 a.m, 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 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/10/2021

/ 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 DISTRICT SESSIONS AND
SPECIAL COURT 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 Mr.S.J.CHAKKKARAVARTHY, Advocate (SR-7005[I] dated 07/10/2021)

ORDER
IN
CRL OP(MD) No.15365 of 2021
Date : 07/10/2021

ssb
MK/PN/SAR.I/22.10.2021/3P/5C