



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

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.15395 of 2021

WEB COPY

1. Mary @ Mariammal
2. Valli @ Kathires
3. Selvaraj@john Selvaraj
4. Stella
5. Petchiammal

... Petitioners/Accused
No.1,2,4,5 & 6

Vs

State Rep by ,
The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.
(Crime No.286 of 2021).

... Respondent/Complainant

For Petitioner : Mr.D.Vijay Antony,
Advocate.

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

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

PRAYER :-

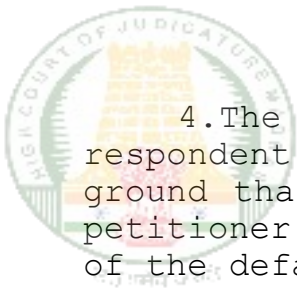
For Anticipatory Bail in Crime No.286 of 2021 on the file of the Respondent Police.

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 147, 294(b), 341, 323, 355 of IPC, Section 4 of TNPHW Act and Sections (*) 7 and 8 of POCSO Act, in Crime No.286 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the accused persons abused the defacto complainant in filthy language. Further, the accused No.4 has sexually harassed the daughter of the defacto complainant, who is aged about 15 years. Therefore, the present case came to be registered.

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



4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of anticipatory bail on the ground that the investigation is yet to be completed and the third petitioner herein/fourth accused has sexually harassed the daughter of the defacto complainant, who is aged about 15 years.

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5. Considering the conduct and attitude of the third petitioner/accused No.4, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this Criminal Original Petition is dismissed, insofar as the third petitioner is concerned.

6. However, considering the nature of allegations levelled against the petitioner Nos.1, 2, 4 & 5 and the fact that it is a civil dispute between the petitioner Nos.1, 2, 4 & 5 and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner Nos.1, 2, 4 & 5.

7. Accordingly, this Criminal Original Petition is allowed insofar the petitioner Nos.1, 2, 4 & 5 are concerned and the petitioner Nos.1, 2, 4 & 5 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 Special Court for Exclusive Trial of POSCO Act Cases, Thoothukudi, on condition that the petitioner Nos.1, 2, 4 & 5 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 petitioner Nos.1, 2, 4 & 5 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 petitioner Nos.1, 2, 4 & 5 shall report before the respondent police as and when required for interrogation;

(c) the petitioner Nos.1, 2, 4 & 5 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner Nos.1, 2, 4 & 5 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 petitioner Nos.1, 2, 4 & 5 in accordance with law as if the conditions have been imposed and the petitioner Nos.1, 2, 4 & 5 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/ petitioner Nos.1, 2, 4 & 5 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

8. Accordingly, this Criminal Original Petition is partly allowed.

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sd/-
07/10/2021

(*) Amended as per order of this Court dated 28/02/2021 in CRL MP (MD)No.2862/2022 in CRL OP(MD) No.15395/2021.

Further two weeks time is granted to the petitioners to comply with the conditions imposed by this court from the date of receipt of a copy of this order as last chance.

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 07/10/2021 ALREADY DESPATCHED.

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
POSCO ACT CASES, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
THALAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VIJAY ANTONY, Advocate (SR-7035[I] dated 07/10/2021)
+1 CC to M/s.D.VIJAYA ANTONY, Advocate (SR-1576[I] dated 28/02/2022)

ORDER
IN
CRL OP(MD) No.15395 of 2021
Date :07/10/2021

PKP/VR/SAR-1/22.10.2021/3P/5C
USK/VR/SAR-I/07.03.2022/3P/6C