



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16833 of 2021

1. A. Sivapandy,

2. S. Boomadevi,

... Petitioners/Accused

Vs

State Rep. By
The Inspector of Police,
Sholavanthan Police Station,
Madurai District.
(Crime No. 219 of 2021).

... Respondent/Complainant

For Petitioners : M/s. Palanirajan.A.R.,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 219 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 366(A) of IPC and Sections 5L, 6, 16 of the POCSO Act, in Crime No.219 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused had kidnapped the victim girl, aged about 17 years and performed the marriage between one Periyakaruppan and the minor victim girl. Hence, the

3.The learned counsel for the petitioners submitted that the



victim girl and the petitioners are relatives. He further submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor has produced the statement recorded from the victim under Section 164 Cr.P.C. He would further submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case, the statement of the victim recorded under Section 164 Cr.P.C., and the stage of the investigation, 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 Special Court for Trial of Cases under POCSO Act, Madurai, 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 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 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 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 5560]**; and;

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

sd/-
01/11/2021

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

+1 CC to M/s.A.R.PALANI RAJAN, Advocate (SR-7774[I] dated
02/11/2021)

ORDER
IN
CRL OP(MD) No.16833 of 2021
Date :01/11/2021

SB/CN/SAR-II/22.11.2021/3P/5C