



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16571 of 2021

1. Krishnan
2. Kannammal
3. N.Selvam

... Petitioners/Accused
No.2 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District
(Crime No.7 of 2020).

... Respondent/Complainant

For Petitioners : M/s.Susikumar.C,Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

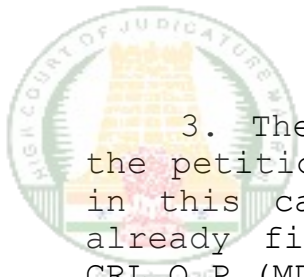
PRAYER :-

For Anticipatory Bail in Crime No.7 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 (A), 376(2)(ii) of IPC and Sections 5(L), 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.7 of 2020, seek anticipatory bail.

2. The case of the prosecution is that A1 fell in love with the victim minor girl and also married her with the help of the petitioners. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners have already filed anticipatory bail application before this Court in CRL.O.P.(MD).No.12036 of 2020 and the same was allowed on 04.11.2020. Subsequently, the issue has been solved between the petitioners and the defacto complainant, and the defacto complainant and his family members have accepted their marriage, therefore, the petitioners did not execute the sureties. However, now a dispute arose between the petitioners and the defacto complainant, thereby, the defacto complainant insisted the respondent Police to arrest the petitioners. Hence, the present petition has been filed for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the victim is aged about 17 years and the accused is 29 years. It was a love marriage and the petitioners are the parents of the first accused. In this case, the first accused was arrested and released on bail. He would further submit that admittedly, the petitioners were granted anticipatory bail by this Court in Crl.O.P.(MD). No.12036 of 2021 dated 04.11.2020. However, they have not executed the sureties.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and the fact that the petitioners have already been granted anticipatory bail by this Court and they have failed to comply with the conditions stipulated therein, 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 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 POCSO Act Cases, Tirunelveli 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 learned Judge 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 learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily as and when required for interrogation.

(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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
28/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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 POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16571 of 2021
Date :28/10/2021