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CRL OP(MD) . No.17191 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.17191 of 2021

1.Ponnalagi
2.Devi
3.Pandi

... petitioners/Accused No.2 and 3 and 5

Vs

The State Rep.by
The Inspector of Police,
Melur All Women Police Station,
Madurai District.
(Crime No.13 of 2021) ... Respondent/Complainant

For petitioners : Mr.R.Venkatesan
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.13 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2, A3 and A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 6, 16 and 17 of Protection of Children from Sexual Offences Act 2012 in Crime No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 kidnapped the victim
<https://hcservices.ecourts.gov.in/hcservices/>



girl, who is aged about 17 years with the help of these petitioners. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that A1 was already arrested and released on bail by the Sessions Court and A4 and A6 were granted anticipatory bail by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police has produced the copy of the statement recorded from the victim under Section 164 Cr.P.C and submitted that the investigation has already been completed and the charge sheet has already been laid before the Special Court.

5.Considering the nature of charges levelled against the petitioners and also the facts that A1 was already arrested and released on bail by the Sessions Court, that A4 and A6 were granted anticipatory bail by this Court and that the investigation was completed and the charge sheet has already been laid before the Special Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Special Court for Exclusive Trial of Cases under the POCSO Act 2012, 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 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 petitioners shall report before the trial Court, daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(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***

55601; and;

<https://hcservices.ecourts.gov.in/hcservices/>



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

sd/-

10/11/2021

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

SJI

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 Exclusive Trial of Cases
under the POCSO Act, Madurai.

2.The Inspector of Police,
Melur All Women Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17191 of 2021

Date :10/11/2021

RD/CN /SAR-III (17.11.2021) 3P 4C