



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17332 of 2021

1. Rani
2. Viji @ Vijimala ... Petitioners/Accused 3 & 4

Vs

The State rep.by,
The Inspector of Police,
Pattiveeranpatti Police Station, Dindigul District.
(Fir in Crime No.320 of 2021) ... Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarathanan, Advocate.
For Respondent : Mr.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.320 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police, in connection with the case in Crime No.320 of 2021, for the alleged offences punishable under Sections 354, 323 and 506(i) IPC and Section 4 of TNPHW Act and Section 11(i) r/w 12 of POCSO Act, seek anticipatory bail.

3.The case of the prosecution is that when the first accused attempted to tie Thali over the victim girl, during temple festival, the petitioners, who are the mother and sister of the accused supported him. Hence, the complaint.

4. These petitioners moved several anticipatory bail petitions earlier, which came to be dismissed by this Court considering the nature of offence in this case.

5.Now, the learned counsel for the petitioners submits that the main accused A1, the son of the first petitioner has surrendered before the concerned Magistrate Court on 10.12.2021.



6. Recording the said submission made on behalf of the petitioners that the main accused himself surrendered before the concerned Court on 10.12.2021, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Nilakkottai, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[a] (1) the petitioners shall file an affidavit before the concerned Magistrate Court that the petitioners will not disturb the defacto complainant or his family unnecessarily.

[b] the petitioners shall report before 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/12/2021

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/ /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.

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



TO

1 THE JUDICIAL MAGISTRATE COURT,
NILAKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INPSECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.P.M.VISHNUVARATHANAN, Advocate SR.No.9274.

ORDER
IN
CRL OP(MD) No.17332 of 2021
Date :14/12/2021

VRN
MK/PN/SAR.I/21.12.2021/3P/6C