



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17506 of 2021

WEB COPY

Suganya

... Petitioner/ 8th Accused

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District.
Cr.No. 10/2021).

... Respondent/Complainant

For Petitioner : M/s.S.Muniyandi,
Advocate.

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

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

PRAYER :-

C-31 AB. For Anticipatory Bail in Crime No. 10/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 506(i) IPC and 5(I) ,8, 9, 10 of Protection of Child from Sexual Offences Act, in Crime No.10 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the first accused married the victim girl with the help of this petitioner. The victim girl is aged about 17 ½ years, therefore, the defacto complainant had lodged a complaint.

3.The learned counsel for the petitioner would submit that the first accused and the victim girl loved each other. He would further submit that the petitioner is a close relative of the first accused, she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the victim girl is aged about 17 ½ years and the petitioner along with other accused helped A1 to marry the victim girl.



5. Admittedly, the first accused is the cousin brother of the petitioner. Considering the nature of the charges levelled against the petitioner and also the facts that the co-accused A2 to A4 were granted bail and that the investigation is almost completed except the receipt of the medical report, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for POCSO Act cases, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

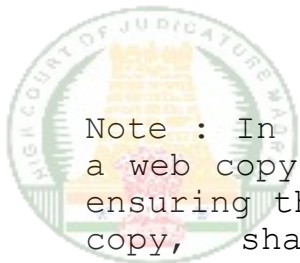
11/11/2021

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/ /2021

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

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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.

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TO

- 1.The Judge, Special Court for POCSO Act Cases,
Sivagangai.
- 2.The Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M/S.S.MUNIYANDI, Advocate (SR-7981[I] dated 11/11/2021)

ORDER

IN

CRL OP(MD) No.17506 of 2021

Date :11/11/2021

RD/CN/SAR-IV(17.11.2021) 3P 5C