



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18141 of 2021

1.Pillan
2.Palaniyandi
3.Andisamy

... Petitioners/Accused
No.5,6 & 9

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thiruppathur, Sivagangai District
(Crime No.10 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Prithiviraj.P.R., Advocate.

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

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

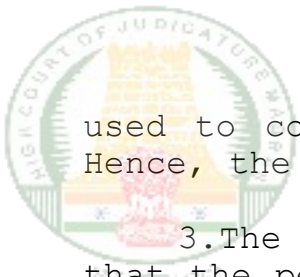
PRAYER :-

For Anticipatory Bail in Crime No.10 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.5, 6 and 9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 363 IPC, 5(1) r/w 6 of POCSO Act and Section 9, 10 of Prohibition of Child Marriage Act and 506(i) IPC, in Crime No.10 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the victim loved each other and their marriage was solemnized by their family members. The victim is aged about 17 years and the first accused is aged about 19 years. The victim girl was subjected to sexual assault by the first accused. Further, the first accused



used to come home in an inebriated state and beat her every day. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioners are only relatives of the first accused, they are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim is aged about 17 years and the first accused is aged 19 years and they were on love affair and subsequently, their marriage was solemnized by the family members of both the accused and the victim.

5. It is not in dispute that A2 and A5 have already been granted bail by this Court in CrIOP(MD)No.15461 of 2021, dated 08.10.2021 and that A7 was already arrested and released on bail by the trial Court in CR.MP.No.974 of 2021, dated 20.10.2021.

6. Considering the fact that the petitioners are only relatives of the first accused and also the fact that the main accused A1 is in judicial custody and that the co-accused have already been granted anticipatory bail by this Court as well as by the trial Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Special Court for Exclusive Trial of Cases under the POCSO Act, 2012, Sivagangai 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 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 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 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/-
19/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.IV)
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.

TO

- 1.The Special Court for Exclusive
Trial of Cases under the
POCSO Act, 2012, 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.PRITHIVIRAJ P.R. Advocate SR.No.8328

ORDER
IN
CRL OP(MD) No.18141 of 2021
Date :19/11/2021