



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD). Nos.18735, 18736 and 18756 of 2021

1. Vijayarajan
 2. Sangar @ Sivasangar ... Petitioners/Accused Nos.18 & 20
in Crl.O.P.(MD)No.18735 of 2021
- Manikandan ... Petitioner/Accused No.21
in Crl.O.P.(MD)No.18736 of 2021
1. Dass @ Arokiadass
 2. Victoria ... Petitioners/Accused 26 & 27
in Crl.O.P.(MD)No.18756 of 2021

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thiruparangundram.
(Crime No.9 of 2021).

... Respondent/Complainant
in all the Petitions

For Petitioner : Mr.NIRANJAN S.KUMAR
for Mr.S.MURUGAGANESAN
in Crl.O.P.(MD)No.18735 of 2021

: Mr.NIRANJAN S.KUMAR
for Mr.C.KARTHIK
in Crl.O.P.(MD)No.18736 of 2021

: Mr.NIRANJAN S.KUMAR
in Crl.O.P.(MD)No.18756 of 2021

For Respondent : MR.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor
in all the Petitions

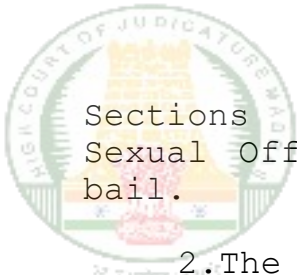
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.9 of 2021 on the
file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused Nos.18,20, 21, who apprehend arrest at
the hands of the respondent police for the offences punishable under

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



Sections 5(1), 6, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012, in Cr.No.9 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 16 years was married to A.1 and the petitioners herein are the relatives and family friends of the victim girl. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the State would submit A.18 is A.1's uncle, A.20 is the friend of A.18, A.21 is the erstwhile employee of A.18, A.26 is the person, who had participated in the mediation process by knowing that the victim girl is minor and A.27 is the wife of A.26 and that the marriage of the victim girl with A.1 was done with the assistance of the petitioners.

5.Considering the nature of the charges levelled against the petitioners, and also the facts that the main accused / A.1 was granted statutory bail by the jurisdictional Magistrate Court, that the co-accused 7 to 17 were granted anticipatory bail by this Court and that the investigation might have been completed by this time, 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 their 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 trial of Cases under POCSO Act, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate 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 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 10.30a.m., for 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 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]***; and;

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

sd/-

29/11/2021

/ TRUE COPY /

/ /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.

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPARANGUNDRAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) . Nos.18735, 18736
and 18756 of 2021

Date :29/11/2021

SA/VR/SAR.3/03.12.2021/3P/4C