



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

Date : 02/12/2021

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19029 of 2021

WEB COPY

1. ANDICHAMY
2. PANCHAVARNAM

... PETITIONERS/ACCUSED NOS.4&5

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
(CRIME NO. 34 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.V.Vijayasethupathy,
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. 34 of 2021 on the file of the respondent Police.

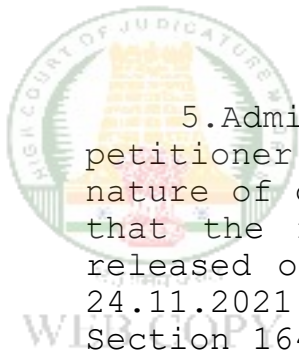
ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 5(1), 5(n), 5(j)(ii), 6 of POCSO Act in Crime No.34 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused married the victim girl, aged about 16 years, with the aid of the other accused persons and made repeated sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are the father and mother of the first accused. The first accused was arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the first accused and the victim girl are loved each other and their parents had performed their marriage.



5. Admittedly, the first petitioner is the father and second petitioner is the mother of the first accused. Considering the nature of charges levelled against the petitioners and also the fact that the main accused, ie., the first accused was arrested and released on bail by this Court in Crl.OP(MD)No.17336 of 2021 dated 24.11.2021 and that the statement has already been recorded under Section 164 Cr.P.C from the victim girl and medical test has already been completed and reports are yet to be received, as stated by the learned Additional Public Prosecutor, 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 District Judge, POCSO Court, 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 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 Judge 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 Station 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;

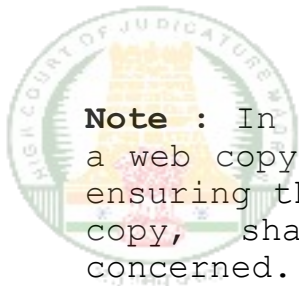
(e) on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judge/Trial Court himself as laid down by the 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/-
02/12/2021

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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.

WEB COPY

TO

1. THE SPECIAL DISTRICT JUDGE,
POCSO COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.VIJAYASETHUPATHY, Advocate (SR-8800[I] dated 03/12/2021)

ORDER
IN
CRL OP(MD) No.19029 of 2021
Date :02/12/2021

pnm
USK/VR/SAR-IV/ (08.12.2021) 3P-5C