



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

Date : 17.12.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.20227 of 2021

Palpandi

... Petitioner/ Accused Rank No.5

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.49 of 2019)

... Respondent

For Petitioner : Mr.J.Vishnu
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.49 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.5, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 366 IPC altered into 366, 451 IPC r/w 5(1), 6, 17 of Protection of Children from Sexual Offences (POCSO) Act, 2012, in Crime No.49 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the de-facto complainant's daughter were in love with each other. Due to that, the de-facto complainant warned them. On 23.09.2021, the de-facto complainant's daughter went missing. Hence, the complaint. The petitioner herein is arrayed as the fifth accused.

3.The First Information Report was originally filed for the offence punishable under Section 366 IPC. Subsequently, the same was altered into Sections 366, 451 IPC r/w 5(1), 6, 17 of Protection of Children from Sexual Offences (POCSO) Act, 2012.



4.This is the second petition for anticipatory bail and the earlier petition filed by the petitioner was dismissed as withdrawn on 02.12.2021 in Crl.O.P.(MD)No.17997 of 2021.

5.The learned counsel appearing for the petitioner would submit that the first accused and the victim girl were in love with each other, that no specific allegation has been attributed against the present petitioner/A.5, that the main accused has been arrested and released on bail and that all the other accused were granted anticipatory bail.

6.The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused was already released on bail and all the other accused were granted anticipatory bail.

7.Considering the nature of the charges levelled against the petitioner/A.5 and also the facts that the main accused was released on bail and that the petitioner is not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8.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 Judicial Magistrate II, Padmanabapuram, Kanniyakumari, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for thirty days and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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

<https://hcservices.courts.gov.in/cases.html> in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



(f)if the A.5/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/12/2021

/ TRUE COPY /

WEB 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 JUDICIAL MAGISTRATE NO.II,
PADMANABAPURAM, KANNYAKUMARI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20227 of 2021
Date :17/12/2021

CSM
MS/JC/SAR-1/29.12.2021/3P.5C