



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

Date : 21/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2802 of 2022

WEB COPY

1. Sadayandi
2. Gomathi

... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
In Crime No.2/2022.

... Respondent/Complainant

K.Perumal ... Petitioner/Intervener/Defacto Complainant

For Petitioners : MR.T.Sugadev,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.V.Karuppaiah, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 11(iv), 12, 16 and 17 of POCSO Act, in Crime No.2 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 threatened the victim girl and also said to have committed sexual assault upon her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are parents of A1, they are innocents and they have not committed any offence as alleged by the prosecution.

4.When the matter was taken up for hearing on 09.02.2022, the learned counsel for the petitioners submitted that the first accused is ready to surrender before the concerned police.



5.Now, the learned counsel for the petitioners would submit that the first accused has surrendered before the concerned police on 14.02.2022.

6.The learned Additional Public Prosecutor would submit that the first accused has already surrendered before the concerned Court and he is still in judicial custody.

7.The learned counsel for the intervenor would submit that the petitioners and the de-facto complainant are neighbours and that he is having serious objections to grant anticipatory bail.

8.Considering the nature of the charges levelled against the petitioners and also the facts that the first accused has now surrendered before the concerned Court and he is in judicial custody and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.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 Principal District and Sessions Judge/Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur, 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 until further orders.

(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

<https://hccservicescourts.gov.in/Kse/Sha> **P.K.Shaaji Vs. State of Kerala [(2005) AIR SCW 5560];** and;



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

sd/-
21/02/2022

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/ TRUE COPY /

/ /2022
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 PRINCIPAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2802 of 2022
Date :21/02/2022

RS/JM/SAR.2 (28.02.2022) 3P-4C