



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3329 of 2022

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1.Gomathi
2.Ponnuthai

... Petitioners/Accused Nos.2&3

Vs

State represented through
The Inspector of Police,
Mudukalathur Police Station,
Ramanathapuram District.
(Crime No.31 of 2022)

...Respondent/Complainant

For Petitioner : M/s.C.Senthil Murugan
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2022 on the file of the Respondent police.

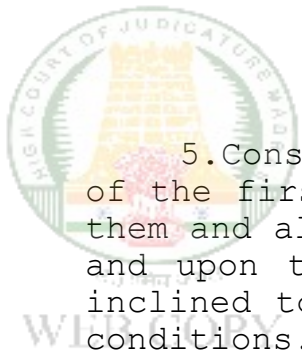
ORDER : The Court made the following order :-

The petitioners/Accused Nos.2&3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 363 of IPC, and Section 5(i)&6 of POCSO Act in Crime No.31 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused has abducted the victim girl and committed the above said offences. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first accused was in love with the victim and that the petitioners herein are the parents of the first accused and they have nothing to do with the alleged occurrence.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the victim is now in Home and that the medical examination on the victim is over and report is awaited.



5.Considering the fact that the petitioners who are the parents of the first accused and the nature of the charges levelled against them and also the facts that they are not having any bad antecedents and upon the facts and circumstances of the case, 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 Special Court for POCSO Cases, Ramanathapuram, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/02/2022

/ 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.

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- TO
1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO CASES,
RAMANATHAPURAM.
 2. THE INSPECTOR OF POLICE,
MUDUKALATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3329 of 2022
Date :23/02/2022

RS/SBN/SAR-3/03.03.2022/3P/4C