



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.3845 of 2022

1. Rabeepuroshkhan
2. Mamutha @ Mamtha Kani
3. Meera @ Ahamedmeera ... Petitioners/Accused 2 to 4

Vs

State represented by
The Inspector of Police,
All Women Police Station-Thirumangalam,
Madurai District.
(Crime No.2 of 2022) ... Respondent/Complainant

For Petitioners: Mr.D.Balamurugapandi,
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.2 of 2022 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 offences punishable under Sections 11(4) and 12 of Protection of Child from Sexual Offences Act, 2012, and Sections 506(1) and 294(b) IPC, in Crime No.2 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused used to talk with the defacto complainant's daughter, who is aged 14 years, through social media platform and after coming to know about the same, the defacto complainant warned his daughter. Due to that, the first accused threatened the defacto complainant and that on 11.02.2022, when the defaco complainant's daughter went to her tuition class, the first accused came there and threatened her, for which, the defacto complainant went to the accused house and enquire about the said act for that the other accused gave a life threat to the defacto complainant. Hence, the 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. He would further submit that the first petitioner is the father, the second petitioner is the mother and the third petitioner is the sister of the first accused and that the first accused was already arrested and is in judicial custody.

4.The learned Additional Public Prosecutor would submit that the first accused was arrested and is in judicial custody and that the petitioners are not having any bad antecedents.

5.Considering the nature of charges levelled against the petitioners and also the facts that the main accused was arrested and is still 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.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/03/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
THIRUMANGALAM, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.BALAMURUGAPANDI D Advocate SR.No.2180

ORDER

IN

CRL OP(MD) No.3845 of 2022

Date :18/03/2022

SS/VR/SAR:I/23.03.2022 : 3P/6C