



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

Date : 18/04/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7095 of 2022

1. Chendurapandi @ Senthurapandi
2. Madathi
3. Santhanam
4. Poomari

... Petitioners/Accused No.2 to 5

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Tirunelveli Rural.
Tirunelveli District.
(Crime No.4/2022).

... Respondent/Complainant

For Petitioners : M/s. Mohideen Basha.N.,
Advocate.

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

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

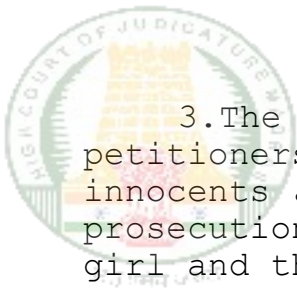
PRAYER :-

For Anticipatory Bail in Crime No.4/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 (1), 5(j)(ii) r/w 6, 19(1) r/w 21(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.4 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, who is the Social Welfare Officer gave a complaint before the respondent police stating that the victim girl, who is aged about 16 years was married to one Samuthirapandi/A1 on 27.01.2021 and that on 18.02.2022, the victim girl gave birth to a male child. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are the parents of A1 and the victim girl and they are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the parents of the victim girl and the first accused are taking care of the male child.

4.The learned Additional Public Prosecutor would submit that the victim girl gave birth to a male child on 18.02.2022 and that the medical examination of the victim girl and A1 was already over.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the petitioners are not having any bad antecedents and that the main accused was already arrested and he is still in judicial custody, 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 learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, 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 Sessions 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 Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1 and 3 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; and the petitioners 2 and 4 shall report before the respondent police 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 Sessions Judge/ 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 Sessions 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/04/2022

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/ /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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI RURAL,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-3571[I] dated 20/04/2022)

ORDER
IN
CRL OP(MD) No.7095 of 2022
Date :18/04/2022

sj i
USK/PN/SAR-II/25.04.2022/3P/5C