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CRL OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.15941 of 2022

1.S.Kalyani
2.A.Kannammal

...Petitioners/Accused 4 and 5

Vs

The State rep.by,
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District,
in Crime No.446 of 2021.

... Respondent/Complainant

For Petitioners : Mr.V.S.Kumaraguru
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.446 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366, 109 of IPC and Section 5(1) read with 6 of POCSO Act, 2012 in Cr.No.446 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's minor daughter and the first accused, who is also a minor, fell in love with each other which was objected by the defacto complainant. Thereafter, the defacto complainant's daughter was found missing. On enquiry, the defacto complainant came to know that the first accused had abducted her daughter and married her with the help of the petitioners and other relatives. The first accused has sexually harassed the victim girl. Hence the complaint.



3. On the side of the petitioners it is stated the petitioners are relatives of the first accused. Except helping the first accused, no other specific overt act has been attributed against the petitioners herein and pray the petitioners to be released on anticipatory bail.

4. On the side of the prosecution it is stated that totally there are five accused. The petitioners the relatives of the first accused. The victim girl is only aged about 15 years and pray the petition to be dismissed.

5. In view of the submissions made by both sides and considering the nature of the offences this Court is inclined to release the petitioners on anticipatory bail on the following 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 Sessions Judge, Special Court, Sivagangai for exclusive trial of case under the POCSO Act, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioners shall report before respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

[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 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/-

08/09/2022

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/09/2022

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



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRAIL OF CASE
UNDER THE POCSO ACT, SIVAGANGAI

2 THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION, SIVAGANGAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KUMARAGURU.V.S. Advocate SR.No.9836.

ORDER

IN

CRL OP(MD) No.15941 of 2022

Date :08/09/2022

pnn

MK/VR/SAR.II/19.09.2022/3P/5C