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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17777 of 2022

1. Karpagam

2. Annammal

... Petitioners/Accused Rank No.2 & 3

Vs

The State rep.by,
The Sub Inspector of Police,
Sendhamaram Police Station,
Tenkasi.

Crime No. 239 of 2022

... Respondent/Complainant

For Petitioner : M/s.Rajkumar.P,
Advocate.

For Respondent : Mr.K. Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

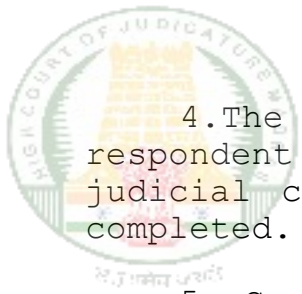
For Anticipatory Bail in Crime No. 239 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 294(B), 323 IPC, Section 4 of TNPHW Act and 10, 9(1) of POCSO Act in Crime No.239 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first accused on promising to marry the defacto complainant had love affair with her and subsequently, refused to marry her. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are mother and grand mother of A1 and and they are innocent persons and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that A1 was arrested and remanded to judicial custody and the the investigation of the case is almost completed.

5. Considering the facts and circumstances of the case and also considering the fact that A1 was already arrested and remanded to judicial custody, the custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 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 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 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]**.

sd/-
06/10/2022

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/10/2022

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



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, TIRUNELVELI.

2. THE SUB INSPECTOR OF POLICE,
SENDHAMARAM POLICE STATION,
TENKASI.

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

ORDER

IN

CRL OP(MD) No.17777 of 2022

Date : 06/10/2022

RK/GB/SAR-2 (14/10/2022) 3P/4C