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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18543 of 2022

1. Pitchaimani
2. Karthiga @ Kartheeswari
3. Kannan

... Petitioners/Accused
No.2 to 4

Vs

State rep.by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.174 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Mahalingam S, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.174 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 366(A), 294(b), 323 and 506(1) of IPC and Section 4 of TNPHW Act and Section 5(1) r/w 6 of POCSO Act, 2012, in Crime No.174 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused kidnapped the victim girl and committed penetrative sexual assault and the accused persons abused the victim's grandmother in filthy language and also criminally intimidated her. Hence, the complaint.



3.The learned counsel for the petitioners submits that the first accused is a close relative of the victim girl and due to some family dispute, the grandmother of the victim girl gave a false complaint against the accused persons and the petitioners are arrayed as A2 to A4. The A1/co-accused was arrested and released on bail. Hence, prays to release them on anticipatory bail.

4.On the side of prosecution, it is stated that in this case, there are totally four accused. The petitioners are arrayed as A2 to A4. The A1/co-accused was arrested and released on bail. The 164Cr.P.C statement of the victim also recorded, wherein, the victim has not stated any sexual assault made by the first accused. Investigation is not yet completed and prayed to dismiss the petition.

5.Considering the facts and circumstances of the case and the fact that the co-accused was already enlarged on bail and also the overt act attributed against the petitioners, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Sessions Judge, Special Court under POCSO Act, Srivilliputhur, 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 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 learned Judge 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 daily at 10:30am 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 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court



(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
18/10/2022

/ TRUE COPY /

/10/2022

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

PNM

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT UNDER POCSO ACT,
SRIVILLIPUTHUR.
 2. THE INSPECTOR OF POLICE,
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.MAHALINGAM S Advocate SR.No.11617

ORDER
IN
CRL OP(MD) No.18543 of 2022
Date :18/10/2022

SP/BUC/SAR /28/10/2022/3P/5C