



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20829 of 2022

1. R.Kannan

2. R.Karuppayee ... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District
(Crime No.23 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Mariappan G,Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.23 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 offence under Sections 5(1), 6, 15, 16, 17 of Protection of Child from Sexual Offence Act, 2012, Sections 9 and 10 of Prohibition of Child Marriage Act, 2005 and Section 67 of Information Technology Act in Crime No.23 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first accused, who is the paternal uncle of the de-facto complainant took video, while she took bath and on showing it, he induced her to pose nude. The same was also recorded by him, without knowing to her. Thereafter, the de-facto complainant, who was aged about 17 years, was married to A2 with the aid of other accused persons and they lived as husband and wife. The first accused tortured her for sexual relationship



with him. Since the same was refused by her, he sent the n to her husband and relatives. Therefore, the de-facto complainant was thrown away from her matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court, dated 28.10.2022 in Crl.O.P(MD)No.19153 of 2022. He would further submit that the petitioners are the parents of the victim girl and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the victim was aged about 17 years at the time of occurrence. A1 and A2 were already arrested and still in judicial custody. 164 statement of the victim girl was recorded and 20 witnesses were examined in this case. The investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the 164 statement given by the victim girl and 20 witnesses were examined in this case, 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 Special Judge, POCSO Act cases, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

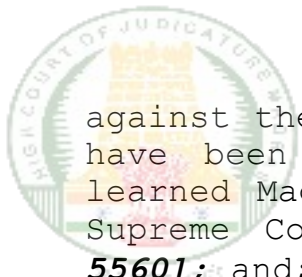
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(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 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]**; and;

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

sd/-
01/12/2022

(*) Amended as per order of this Court dated 23.12.2022 in CRL MP(MD) No.16261 of 2022 in CRL OP(MD) No.20829 of 2022

Further two week time is granted to the petitioners to comply with the conditions imposed by this Court from the date of receipt of a copy of this order as last chance.

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/01/2023

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

sj i

TO

1. THE SPECIAL JUDGE, POCSO ACT CASES, SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR

3 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION , ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.G.MARIAPPAN, Advocate SR-15531

ORDER IN
CRL OP(MD) No.20829 of 2022
Date : 01/12/2022

PKP/BUC/SAR-1/12.12.2022/3P/6C

BK/SSS/SAR-2(11/01/2023) 3P/7C

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