



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21415 of 2022

WEB COPY

1.Raman @ Ramaiah
2.Mani
3.Arumugam @ Eswaran
4.Chitra
5.Tamilarasi
6.Anjalidevi

...Petitioners/Accused Nos. 3 to 8

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Thirumayam, Pudukottai District.
(Cr.No.9 of 2022)

...Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.9 of 2022 on the file of the respondent Police.

For Petitioners : Mr.P.Ganapathi Subramanian, Advocate

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 341, 506(ii) and 509 of IPC and Sections 7, 8, 9(1), 10 and 15 (1) of POCSCO Act and Section 67B(a) of Information Technology (Amendment) Act, 2008 in Crime No.9 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Vithya, is that A1 and A2 had sexually exploited and assaulted her minor daughter for the past one year and they have also taken videos and uploaded it in the facebook and when the de-facto complainant and her family members have questioned the same, the accused 3 to 8, who are relatives of A2, have abused the de-facto complainant and her family members in filthy language and also intimidated them. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit the petitioners and the de-facto complainant belong to the same village. He would further submit that on account of a land dispute, there are case and counter cases pending against them. On the complaint given by the petitioners' side, cases in Cr.Nos.148 and 160 of 2022 are registered against the de-facto complainant and her family members and on the counter complaint given by the de-facto complainant, cases in Cr.Nos.147 and 159 of 2022 are registered against the petitioners' side. He would submit that in none of the earlier complaint, there is no mention about the accused having exploited and sexually assaulted the minor victim, whereas, in order to wreck vengeance, a false complaint has been given through the victim girl.

4.He would also submit that A1 was arrested and enlarged on bail and A2 was arrested today. He would further submit that this the second petition for anticipatory bail and that the earlier petition for anticipatory bail was dismissed on the ground that the investigation was in the initial stage and the second accused was not arrested. However, he would submit that during the hearing of the earlier petition, the petitioners were unable to putforth their case in respect of the previous pending FIRs between both families. He would submit that it is only a case, where, the de-facto complainant has used her daughter to give a false complaint to wreck vengeance. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them.

5.The learned Government Advocate (crl.side) would submit that the petitioners are the relatives of A2. A1 and A2 have misbehaved and sexually assaulted the victim minor girl, who aged about 16 years and they have also taken video of the incident and have uploaded it in the facebook. However, he would submit that A1 was arrested and enlarged on bail and A2 was arrested today. He would admit that there are cases and counter cases pending between the petitioners and the de-facto complainant's family.

6.Heard the learned Counsel. Taking into consideration the facts and submissions and also perusing the materials available on record including the statement recorded from the victim minor girl under Section 164 of Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 on which the order copy made ready, before the learned Mahila Court, Pudukottai District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the respondent police or the police officer



who intends to arrest or to the satisfaction of the Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE MAHILA JUDGE, PUDUKOTTAI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION, THIRUMAYAM, PUDUKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.GANAPATHI SUBRAMANIAN P, Advocate (SR-15199[I]

ORDER
IN
CRL OP(MD) No.21415 of 2022
Date :19/12/2022

PKP/BUC/SAR-3/29.12.2022/3P/5C

<https://www.mhc.tn.gov.in/judis>