



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

CORAM

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

CRL.O.P (MD) No.21549 of 2022

WEB COPY

- 1.John Bhuvan @ Shen Bhuvan
- 2.Mala
- 3.Abirami
- 4.Meena

... Petitioners/1 to 4 Accused

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Thilagar Thidal, Madurai City.
(Cr.No.52 of 2022)

... Respondent/Complainant

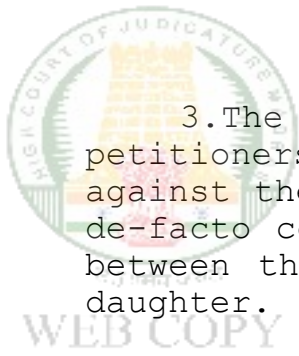
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioners/accused on bail in the event of their arrest in Cr.No.52 of 2022 on the file of the respondent Police.

For Petitioners : Mr.S.Poornachandran, 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) and 506(i) IPC and Sections 7, 8 and 17 of POCSO Act, 2012 in Crime No.52 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Maheshwari, is that her minor daughter used to go to her neighbours Mala and Abi's house often. The said Abi and Mala compelled her daughter to speak with other person and also asked her whether she is ready to marry Mala's son. While so, three months ago, the said Mala's son had pulled her daughter's hand in respect of which, a call was made to 1098 and a case was registered. Subsequently, taking into consideration the future of her daughter, the de-facto complainant had not pressed the complaint. While so, the son of said Mala, John Bhuvan had compelled her daughter to come to movie. While so, on 21.10.2022, while the de-facto complainant's daughter was standing near her house, the said Mala's son, John Bhuvan had thrown a cracker on her daughter. Hence, the complainant.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been registered against them. He would further submit that the petitioners and the de-facto complainant are neighbours and there are frequent quarrels between them and now a false complaint has been given through her daughter.

4.He would further submit that A1, who is the son of the second petitioner, has been arrested and he has been remanded to judicial custody and hence, he has not pressed this petition insofar the first petitioner is concerned. He would further submit that as per the FIR, the allegation is only against the son of the second petitioner, as if he had thrown crackers on the daughter of the de-facto complainant. He would also submit that no previous case against the petitioners.

5.The learned Government Advocate (Crl.side) submit that the petitioners are neighbours of de-facto complainant. The son of the second petitioner has misbehaved with the de-facto complainant's daughter and he has also thrown a cracker on her. Further, he would submit that the first accused has been arrested and he has been remanded to judicial custody.

6.Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

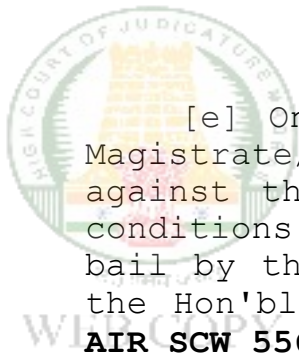
7.Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for POCSO Act Cases, Madurai, on condition that the petitioners 2 to 4 shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 to 4 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 2 to 4 shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/-

06/12/2022

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

To

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI CITY.

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

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-14485[I] dated
07/12/2022)

ORDER

IN

CRL OP(MD) No.21549 of 2022

Date :06/12/2022

cmr

SS/VR/SAR.II1(20.12.2022) 3P-5C