



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



DATED: 20.12.2022

PRESENT

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

CRL.O.P(MD)No.22005 of 2022

1.PAPPATHI
2.MUTHU

...PETITIONERS / ACCUSED NOS.2 & 3

-VS-

THE STATE REPRESENTED BY

1 THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
(IN CRIME NO.642 OF 2022)

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SANARPATTI,
DINDIGUL DISTRICT.

...RESPONDENTS / COMPLAINANTS

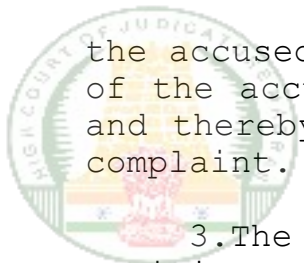
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest by the respondent Police with respect to Cr.No.642 of 2022.

For Petitioners	:	Mr.A.N.Ramanathanan, Advocate.
For Respondents	:	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 and 506(i) IPC r/w Sections 5(1), 5(j)(ii) and 6 of POCSO Act, 2012 in Crime No.642 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, who is the minor victim girl, is that she is born on 01.12.2005 and she was studying +2 and that the accused, Mathankumar is from the same village and they were in love with each other and on 24.08.2022, while she was on her way to the school, the said Mathankumar had taken her in his motorcycle to Sirumalai and had taken her into a forest and had compelled her to have sexual intercourse with her, due to which, she did not get periods for two weeks and thereafter, on 21.10.2022, she was found to be pregnant and thereafter, the de-facto complainant had gone to the house of



the accused and questioned him. At that time, the father and mother of the accused had abused her in filthy language and assaulted her and thereby, she had given a complaint to take action. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given since they happened to be the parents of A1. He would also submit that there was a love affair between the victim girl and their son and there is no allegation of any sexual assault. He would submit that major part of the investigation is over and the first accused has been arrested and released on bail by order of this Court in Crl.O.P. (MD)No.22295 of 2022, dated 16.12.2022.

4.The learned Government Advocate (crl.side) would submit that the petitioners, who are parents of A1 and the victim girl hail from same village. The petitioners son compelled the victim girl and taken her to a remote place in Sirumalai and had sexual intercourse with her, due to which, she became pregnant and thereafter, it has been aborted. However, he would fairly submit that in the statement recorded from the victim girl under Section 164 of Cr.P.C., the victim girl has not stated about the sexual assault. He would oppose for granting anticipatory bail to the petitioners.

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

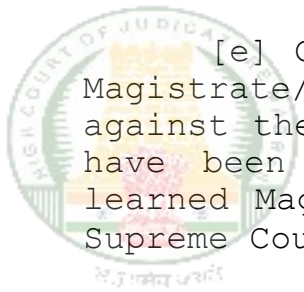
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Court (FTC), Dindigul, on condition that the petitioners shall execute bond for 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 learned 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., for a period of two weeks, thereafter every Saturday 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]**.

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

sd/-
20/12/2022

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE MAHILA JUDGE (FTC)
DINDIGUL

2 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SANARPATTI,
DINDIGUL DISTRICT.

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

+1 CC to M/s.RAMANATHAN A N, Advocate (SR-15282[I] dated 21/12/2022)

ORDER
IN
CRL OP(MD) No.22005 of 2022
Date :20/12/2022

cmr
PKP/BUC/SAR 2/30.12.2022/3P/6C