



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.22516 of 2022

WEB COPY

- 1.Sivaranjini
- 2.Sangili Ammal
- 3.Pandiyan

(At Wrongly Mentioned as Pandeewaran)

... Petitioners/A2 to A4

**-Vs-**

The State represented by  
The Inspector of Police,  
Chinnamanur Police Station,  
Theni District.  
(Cr.No.463 of 2022)

...Respondent/COMPLAINANT

**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.463 of 2022 on the file of the respondent Police.

For Petitioners : Mr.C.Jeganathan, Advocate

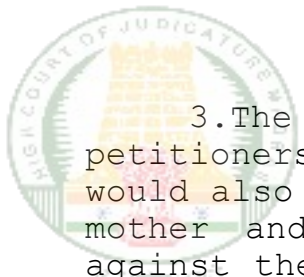
For Respondent : Mr.A.Albert James  
Government Advocate (Crl.side)

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**ORDER**

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 366 and 366-A of IPC and Sections 5, 6 and 17 of POCSO Act in Crime No.463 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that based on the complaint given by one Karthick that his minor daughter, aged 15 years was missing, a case in Cr.No.463 of 2022 came to be registered under the caption "girl missing". Later, during the course of investigation, it came to light that the main accused, one Karuppasamy had kidnapped the victim girl and taken to his house and on the promise of marrying her, he had committed penetrative sexual assault on her repeatedly. Hence, the case.



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 that the petitioners are respectively, the sister, mother and brother in-law of the first accused. The allegation against them is that the petitioners have given asylum to the first accused and the victim girl. He would also submit that the first accused was having a love affair with the victim girl and the victim had eloped from her house and had come to the petitioners' house. The petitioners, without understanding the consequences and rigors of the POCSO Act, have asked them to stay at home, other than that, they have not committed any offence. He would also submit that A1 has been arrested and he has been released on bail and the major part of the investigation is also over and a statement has also been recorded from the victim girl under Section 164 Cr.P.C.

4.The learned Government Advocate (crl.side) would submit that the petitioners are relatives of A1 and they have given asylum to the accused and the victim girl and during such time, the first accused had committed penetrative sexual assault on her repeatedly. However, he would submit that A1 has been arrested and he has been released on bail and a statement has also been recorded from the victim girl under Section 164 Cr.P.C.

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., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

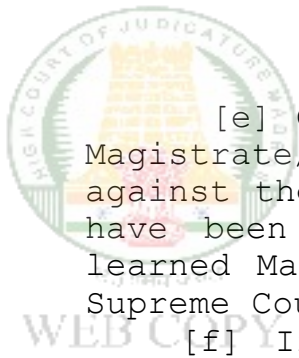
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahailir Neethimandram (FTC), Theni, on condition that the petitioners shall execute bond 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 JUDGE,  
MAHAILIR NEETHIMANDRAM (FTC), THENI.
- 2 THE INSPECTOR OF POLICE,  
CHINNAMANUR POLICE STATION,  
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S. JEGANATHAN.C Advocate SR.No.63385 (F)  
Date:21/12/2022.

**ORDER**

**IN**

CRL OP(MD) No.22516 of 2022  
Date :20/12/2022

USK/VR/SAR.III/03.01.2023/3P/5C