



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22828 of 2022

1. Suruliraj @ Ammavasi,

2. Raja,

3. Malarvizhi,

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.10 of 2022.

... Respondent/Complainant

For Petitioners : M/s Susi Kumar C,
Advocate.

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

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

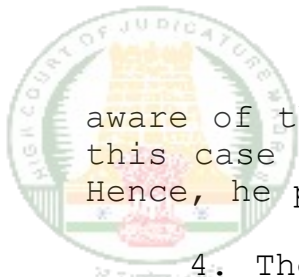
PRAYER :- For Anticipatory Bail in Crime No.10 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3, 4(1), 7 r/w.8 of POCSO Act and Section 506(i) of IPC in Crime No.10 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 the petitioner herein on false promise that he will marry the victim girl had hugged her and kissed her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners herein are grand father and parents of the first accused and they are not



aware of the above incident. He would further submit that t in this case was arrested and released on bail by the sessions court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit petitioner herein on false promise that he will marry the victim girl had hugged her and kissed her. He would also submit that A1 in this case was arrested and released on bail by the Sessions Court

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and circumstances of the case and also the fact that the A1 in this case was arrested and released on bail by the Sessions Court and also the fact that the petitioners herein are grand father and parents of A1, 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 Sessions Judge, Fast Track Mahila Court, Theni** on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 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 and thereafter on 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 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.

WEB COPY

sd/-

22/12/2022

/ TRUE COPY /

/01/2023

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

AAV

TO

- 1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.22828 of 2022

Date :22/12/2022

SA/MMS/SAR.2/03.01.2023/3P/4C