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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.01.2023

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD). No.947 of 2023

S.Jeya Prabha

... Petitioner/ Accused No.5

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Alangulam, Tenkasi District.
(Crime No.19 of 2022)

... Respondent/Complainant

For Petitioner : Mr.A.D.Ganesamoorthi,
Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

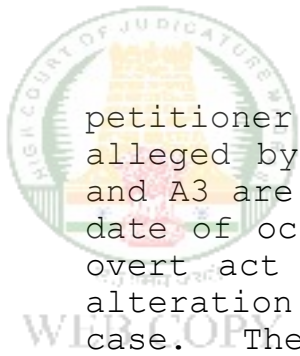
For Anticipatory Bail in Crime No.19 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i) I.P.C, 6 r/w Sections 6, 5(i), 5 (j) (ii) of POCSO Act, in Crime No.19 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had sexual relationship with the victim, against her wish, while she was studying in 11th standard, Hence, the complaint.

<https://www.mhc.tn.gov.in/jcms> the side of the petitioner, it is stated that the



petitioner is innocents and she had not committed any offence as alleged by the prosecution. The petitioner is A5 in the case. A1 and A3 are the prime accused. Only after a lapse of 1 year from the date of occurrence, the complaint was given against A1. There is no overt act against this petitioner. Only after the filing of the alteration report, the name of the petitioner was impleaded in the case. There was some love affair between the victim girl and A1. A1 is a relative of the petitioner and the petitioner is no way connected with the offence. Hence, prays to release her on anticipatory bail.

4. On the side of prosecution, it is stated that co-accused A1 to A3 were already on bail. On a false promise of marriage, A1 had sexual relationship with the victim, the other accused compelled the victim to undergo an abortion. In the confession statement, A1 has stated that the accused compelled the victim to undergo an abortion.

5. It is seen that the petitioner is having no bad antecedent, the petitioner is a relative of A1. The age of the victim girl is 17 years. The prime accused A1 to A3 were already on bail. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain condition.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court (POCSO), Tirunelveli, on condition that the petitioner shall execute a 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 learned Magistrate / Judge concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDGE,
SPECIAL COURT (POCSO),
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAM,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GANESHAMOORTHY A D Advocate SR.No.914(I)

ORDER
IN
CRL OP(MD) No.947 of 2023
Date :20/01/2023

VA/BUC/SAR-1/02.02.2023/3P/5C