



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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

CRL.O.P(MD)No.1962 of 2023

WEB COPY

1.Rajendran
2.Pandi

...Petitioners/Accused Nos. 2 and 3

-vs-

The Inspector of Police,
Musiri All Women Police Station,
Trichy District.
(Cr.No.24 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.24 of 2022 on the file of the respondent Police.

For Petitioners : Mr.R.Venkatesan

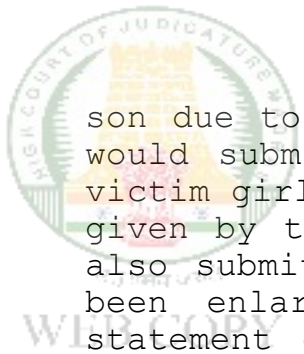
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 5(1), 5(j)(ii), 6(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.24 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case came to be registered based on the complaint given by S.Vijaya, Extension Officer, Social Welfare Panchayat Union, Uppiliyapuram, Trichy District. The allegation in the complaint is that she received information that one minor girl delivered a child and later, on enquiry, it was found that the first accused namely one Kannan had committed penetrative sexual assault due to which she became pregnant and delivered a child. The case has been registered for the abovesaid offences in Crime No.24 of 2022.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would submit that the petitioners are the parents of the first accused and there had been love affair between the victim girl and their son Kannan which was not known to them. Later there was consensual physical relationship between the victim girl and their



son due to which she became pregnant and she delivered a () He would submit that neither the victim girl nor the parents of the victim girl had given a complaint and the present complaint has been given by the Extension Officer, Social Welfare Panchayat Union. He also submits that the first accused was arrested and later he has been enlarged on bail. It is his further submission that the statement of the victim girl has been recorded under Section 164 Cr.P.C in which she has made allegation against her own brother-in-law namely, Manikandan. He prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners are the parents of the first accused Kannan and as per the statement of the victim girl, the said Kannan had relationship with the victim girl and her brother-in-law one Manikandan also had physical relationship with the victim girl. He would further submit that there is no specific allegation attributed against the petitioners. He opposes to grant anticipatory bail.

5. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case and on perusing the statement recorded 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 Sessions Judge, Mahila Court, Trichy cum Special Court for Excusive Trial of Cases under the POCSO Act, 2012, Trichy, on condition that the petitioners 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 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 one week and thereafter as and when required for interrogation.

[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. 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.

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

TO

1.The Sessions Judge, Mahila Court,
Trichy cum Special Court for Exclusive Trial
of Cases under the POCSO Act, 2012, Trichy

2.The Inspector of Police,
Musiri All Women Police Station,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-1588[I] dated 01/02/2023)

ORDER

IN

CRL OP(MD) No.1962 of 2023

Date :01/02/2023

SS/VR/SAR IV(08.02.2023) 3P 5C