



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8355 of 2023

1.Chinnathambi

2.Dinesh @ Dinesh Kumar

3.Sarathkumar

4.Palaniyammal

... Petitioners/Accused Nos.1 to 4

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Manaparai, Trichy District.

(In Crime No.24 of 2022).

... Respondent/Complainant

For Petitioners : Mr.M.Pitchaimuthu,Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 11 (5), 12 and 17 of Protection of Child from Sexual Offences Act, 2012 r/w Section 506(i) of IPC, in Crime No.24 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and A4 were in illicit relationship for the past 10 years and on 16.09.2022, at the instigation of the first accused, A2 and A3 were tried to misbehave with the de-facto complainant, who is aged about 13 years and the first accused also tried to videograph the same. When the same was questioned by the de-facto complainant, all the accused persons threatened him with dire consequences. Hence, the case.

3.Heard. Perused the materials available on record including

<https://www.crl.or.in/> Information Report.



4. Even according to the case of the prosecution, the petitioners had attempted to take videograph of the victim girl.

5. Considering the above facts and circumstances of the case, 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 (Magistrate Level), Trichy, Trichy District, on condition that the petitioners shall execute a 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 daily at 10.30 a.m., for a period of two weeks 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 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/-
28/04/2023

/ TRUE COPY /

/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



WEB COPY

- 1 THE MAHILA JUDGE
(MAGISTRATE LEVEL) TRICHY, TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
AWPS MANAPPARAI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8355 of 2023
Date :28/04/2023

PKP/VR/SAR-4/09.05.2023/ **3P/5C**