



WEB COPY

CRL OP(MD) . No.8595 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8595 of 2023

1. Udhayakumar

2. Muthupandi

3. Palanikumar

4. Vasanthi

... Petitioners/Accused No.1 to 4

Vs

The Inspector of Police,
Samayanallur All Women Police Station,
Madurai District.

Crime No.122/2023. ... Respondent/Complainant
(Amended as Per Order of the Court Dated
11/05/2023 in CrI.Mp(MD)7412 of 2023 in
crl op(md).8595 of 2023)

For Petitioner : M/s.R.Karunanidhi,
Advocate.

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

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

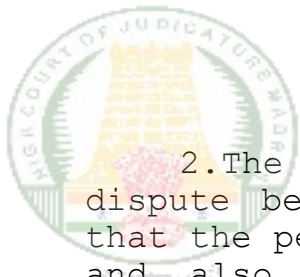
PRAYER :-

For Anticipatory Bail in Crime No.122/2023 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 294(b), 323 and 506(i) IPC and Section 4 of TN Prohibition of
Harassment of Women Act, 2002 @ under Sections 147, 294(b), 323 and
506(i) IPC and Section 4 of TN Prohibition of Harassment of Women
Act, 2002 and Sections 7 and 8 of Protection of Children from
Sexual Offences Act, 2012 in Crime No.122 of 2023, seeks

an order for anticipatory bail.



2.The case of the prosecution is that there was a property dispute between the petitioners and the de facto complainant and that the petitioners abused the minor girl of the defato complainant and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that 164 statement of the victim was recorded and as per the record, on the date of alleged occurrence the petitioners attempted to pull down her and the investigation of the case is almost completed.

5. Considering the facts and circumstances of the case and also considering the fact that 164 of the statement of the victim was recorded and that no sexual assault on the victim this Court is inclined to grant anticipatory bail to the petitioners.

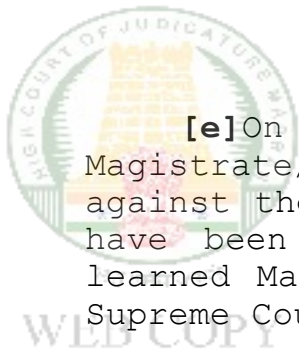
6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Session Judge, Special Court for POCSO Act Cases, Madurai on condition that the each of the petitioners 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 concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners 1 to 3 shall report before the respondent police twice a week i.e., on every Tuesday and Sunday and 10.30 am for a period of three months and thereafter, as and when required for interrogation. The 4th petitioner shall appear before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]**.

sd/-

17/05/2023

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/05/2023

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

TRP

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, MADURAI.
 - 2 THE INSPECTOR OF POLICE
SAMAYANALLUR ALL WOMEN POLICE STATION,
MADURAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.KARUNANIDHI Advocate SR.No.7648

ORDER

IN

CRL OP(MD) No.8595 of 2023

Date :17/05/2023

SS/MMS/SAR-III/19.05.2023/ **3P/ 5C**