



CRL OP(MD). No.15199 of 2023

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

Date : 21/08/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

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1.Boothanathan

2.Thenmozhi @ Thenmani

3.Thenammal

4.Muppidathi

5.Sankar

6.Sekar

7.Ramesh

8.Sathiya

... Petitioners / Accused Nos.2 to 9

Vs

State, rep by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.
(Crime No.308 of 2022.)

... Respondent / Complainant

For Petitioner : Mr.M.Sankar, Advocate
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)



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

PRAYER :-

For Anticipatory Bail in Crime No.308/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 to 9, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 366 IPC, Section 6 r/w. 5(1) of Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, in Crime No.308 of 2022 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that on 24.10.2022, when the victim girl came to her native for celebrating Deepavali, the first accused called the victim girl to near the bridge, took her to Surandai Kulathur Ayyanar Temple, tied thali in the presence of his brother and brother's wife, then he took her to his house, stayed along with her and also committed penetrative sexual assault upon the victim girl against her will. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the victim girl has submitted her written reply objections stating that she has no objection to release the petitioners on anticipatory bail, which is already preferred by the petitioners before the Special Court for POCSO Act Cases, Tirunelveli. But without considering the



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same, the above said application was dismissed stating that investigation is not yet completed. But now, investigation is almost completed and there is no overt act attributed against the petitioners.

4. Perusal of CD file shows that a case was registered under the caption girl missing. During the course of investigation, it was found that the victim was in love with the first accused and insisted the first accused to take her from parental home. After that, the family members of first accused have performed marriage between them. On the basis of the complaint given by her father, the girl was secured and she was taken to her parental home.

5. The learned Government Advocate (Crl. Side) for the respondent police submitted that because of minority, now the first accused and the victim were separated and the victim is now living with her parents. Except that there was no issue between the victim and the first accused. The first accused is arrested and released on bail by the Special Court for POCSO Act, Tirunelveli, by the order dated 03.08.2023.

6. Considering the nature of offence and also considering that there is only limited overt act attributed against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners



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are ordered to be released on bail in the event of arrest or on their appearance, before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, 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 learned Magistrate concerned and the petitioners shall appear before the respondent Police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/08/2023

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/09/2023

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

INDU

To

1.The Sessions Judge,
Special Court for POCSO Act Cases, Tirunelveli.

2.The Inspector of Police,
Kadayam Police Station,
Tenkasi District.

<https://www.mhc.tn.gov.in/judis>



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

+1 CC to M/s.M.SANKAR, Advocate (SR-12547[I] dated 21/08/2023)

ORDER
IN
CRL OP(MD) No.15199 of 2023
Date :21/08/2023

ED/JGB/SAR- (07/09/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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