



CRL OP(MD). No.5709 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2024

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD). No.5709 of 2024

1. Packiyam,

2. Raja,

3. Logesh @ Logeswaran,

... Petitioners/ Accused No.2 TO 4

Vs

The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
Cr.No.1/2024.

... Respondent/Complainant

For Petitioners : M/s.Maya Perumal.S,

For Respondent : Mr.P.Kottai Chamy

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 1/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.1 of 2024, for the offence punishable under Sections 11(1), 12 of Protection of Children from Sexual Offences Act, 2012 and Sections 294(b), 323 and 506(ii) IPC, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the first petitioner's husband tried to sexually harass the victim and then, the petitioners had trespassed into the victim's house and abused the victim using filthy language. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the offence under Section 11 r/w 12 of POSCSO Act, is not made out against the petitioner. The complainant has not disclosed any specific overt act against the petitioners. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The first accused in this case was already released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent



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Police submits that the victim is seventeen years old. The Petitioners have no previous cases.

5. Considering the facts and circumstances of the case and also the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of their 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 Judicial Magistrate on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the Special Court for POCSO Act Cases, Sivagangai.

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent police as and when required for interrogation. They have to co-operate for the investigation.



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(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
15/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.MAYA PERUMAL, Advocate (SR-4416[I] dated 15/04/2024)



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ORDER
IN
CRL OP(MD) No.5709 of 2024
Date :15/04/2024

SS/VR/SAR- /18/04/2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023