



CRL OP(MD). No.7869 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Ramachandran
2. Venkatesh @ Venkata Subramanian
3. Muthuraman
4. Gomathi Shankari
5. Subbammal

... Petitioners/ Accused No.2 to 6

Vs

The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District
Crime No.12/2024

... Respondent/Complainant

Balasubramanian

... Intervene Petitioner/Defacto Complainant
In CRL MP(MD).5826/2024 in CRL OP(MD).7869/2024

For Petitioners : Mr.B.N.Raja Mohamed, Advocate.
For Respondent : Mr.P.Kottai Chamy, Government Advocate (Crl.Side)
For Intervenor : Mr.S.Muniyandi, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2024 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioners, apprehending arrest at the hands of the respondent police in connection with the case in Crime No.12 of 2024 for the offences under Section 7 r/w. 8 of the Protection of Children From Sexual Offences Act, 2012 and under Sections 448, 147, 148, 323, 506 (i) I.P.C, have filed this petition, seeking anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners and other accused have trespassed into the house of the defacto complainant and also attacked him and kidnapped the daughter of the defacto complainant and also committed sexual assault.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submits that the investigation is pending. However, he fairly submits that the petitioners are not having any previous case.

5. This Court considered rival submissions made.

6. It appears to be a dispute between husband and wife and the children had ropped in between them. The first petitioner is the father-in-law of the defacto complainant and the petitioners 2 and 3 are the brothers of the first petitioner, 4th



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petitioner is the wife and the 5th petitioner is the mother-in-law of the defacto complainant.

7. Considering the facts and circumstances of the case, nature of offence and considering the fact that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 concerned learned Judicial Magistrate/ Judge, on condition that:

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

(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 by the respondent police. They have to co-operate for the investigation.

(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.



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

LS
TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI.

2 THE INSPEBCTOR OF POLICE, ALL WOMEN POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.7869 of 2024
Date :11/06/2024

RS/JGB/SAR-(18.06.2024) 4P 4C
Madurai Bench of Madras High Court is issuing
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