



Crl.O.P.(MD)No.8028 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.8028 and 8123 of 2024

Crl.O.P.(MD)No.8028 of 2024

1. Raja

2. Tamizthendral

... Petitioners/ Accused Nos.6 & 7

Versus

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

(Crime No.06 of 2024)

... Respondent/Complainant

For Petitioners : Mr.V.S.Kishok Kumar, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2024 on the file of the Respondent Police.

Crl.O.P.(MD)No.8123 of 2024

Esthar Rani

... Petitioner/ Accused-5

Versus

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

(Crime No.6/2024)

... Respondent/Complainant



Crl.O.P.(MD)No.8028 of 2024

For Petitioner : Mr.T.J.Ebenezer Charles, Advocate
For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2024 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police in connection with a case in Crime No.6 of 2024, for the offence punishable under Sections 5(m), 5(n), 6 of POCSO Act and Section 323 of IPC, have filed these petitions seeking anticipatory bail.

2.The defacto complainant is the father of the victim girl, who is aged about 8 years. The petitioners in Crl.O.P.(MD)No.8028 of 2024 are maternal uncle and aunt of the victim girl. The petitioner in Crl.O.P.(MD)No.8123 of 2024 is the mother of the victim girl.

3.The case of the prosecution is that due to some differences of opinion, the petitioner in Crl.O.P.(MD)No.8123 of 2024 and the defacto complainant are living separately. The petitioner in Crl.O.P.(MD)No.8123 of 2024 was living under the supervision of her brother, namely, the first petitioner in Crl.O.P.(MD)No.8028 of 2024 and at that time, A1 and A2, who are working as auto driver and van driver, sexually assaulted the victim girl. When the victim girl informed the same to her



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mother, she along with A1 and A2 assaulted the victim girl with a heated iron rod.

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Hence, the case.

4.The learned counsel appearing for the petitioners submitted that there is a dispute between the petitioner in Crl.O.P.(MD)No.8123 of 2024 and the defacto complainant. The victim girl and her brother were with their mother for sometime and now, they are with their father/defacto complainant. According to the petitioners, the defacto complainant/father, in order to harass the petitioners, tutored the minor girl to give a complaint in such a manner.

5.Considering the nature of allegations, this Court, by order dated 05.06.2024, directed the respondent Police to conduct an enquiry, find out the truth of the case and to file a report before this Court.

6.Pursuant to the said direction, the respondent police conducted a detailed enquiry and filed a report stating that except the statement of victim girl recorded under Section 164 Cr.P.C., there are no other materials against the petitioners.

7. Considering the facts and circumstances of the case and also considering the report of the respondent Police that there are no other materials against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the Criminal Original Petitions are ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance within



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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 learned Judicial Magistrate, Vadipatti.

(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 once in a week on every Monday at 10.30 a.m. until further orders. 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.

(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/-
20/06/2024

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/07/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SAMAYANALLUR ALL WOMEN POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate (SR-6747[I] dated 20/06/2024)

+1 CC to M/s.T.J.EBENEZER, Advocate (SR-6720[I] dated 20/06/2024)

ORDER IN
CRL OP(MD).Nos.8028 and 8123 of 2024
Date :20/06/2024

RS/VR/SAR-(01.07.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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