



CRL OP(MD). No.8606 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8606 of 2024

1. M.John Wilson

2. S.Sundaramoorthy @ Moorthi

3. J.Allis Lilly @ Puppy

... Petitioner Nos.1 to 3/ Accused Nos.1, 2 & 8

Vs

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

(Crime No.6 of 2024).

... Respondent/Complainant

For Petitioner : Mr.T.J.Ebinezar 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.

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) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 323 IPC, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the accused have sexually assaulted the



CRL OP(MD). No.8606 of 2024

victim girl. Hence, the case.

WEB COPY

3. The learned counsel appearing for the petitioners submits that the defacto complainant and the fifth accused are husband and wife. Due to difference of opinion, they are now living separately. Initially, their children were in the custody of the fifth accused/mother of the victim. Now the children are in the custody of the defacto complainant. He further submits that the defacto complainant has trained the child to give such statement against the petitioners herein. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the respondent police has went to the place, where the mother of the victim is living and conducted enquiry with the neighbors and found that there is no possibility for committing the said offences, since there is no door in the fifth accused's house.

5. Considering the facts and circumstances of the case that the dispute is between the husband and wife and also considering that the child is also with the father, 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



CRL OP(MD). No.8606 of 2024

WEB COPY

within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judge on condition that

(i) the petitioners shall 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 Cases, Madurai District.

(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 daily at 10.30 am until further orders for interrogation. 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/-
21/06/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR



CRL OP(MD). No.8606 of 2024

TO

WEB COPY

1 THE JUDGE, SPECIAL COURT FOR POCSO CASES, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE, SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-6785[I] dated 21/06/2024)

ORDER

IN

CRL OP(MD) No.8606 of 2024

Date :21/06/2024

RS/VR/SAR-(28.06.2024) 4P 5C

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