

CRL OP(MD)No.9657 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD)No.9657 of 2025

1.Pitchiah @ Pichaiya
S/o.Petchimuthu

2.Muthukani
W/o.Pichaiya

...Petitioners/ Accused Nos.2 & 3

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station Kadambur,
Thoothukudi District.
(In Crime No.8 of 2025)

...Respondent/Complainant

For Petitioners : Mr.Ajaybrabu

For Respondent : Mr.S.Prakash
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



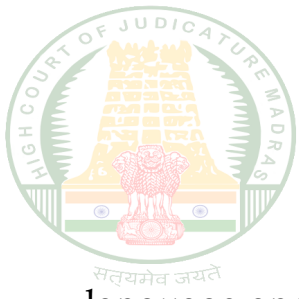
PRAYER :-

For Anticipatory Bail in Crime No.8 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(l) r/w 6 of POCSO Act and Section 296 (b) & 351(2) of BNS in Crime No.8 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant fell in love with the petitioners' son/A1 and by giving false promise, he had physical relationship with the defacto complainant, who is aged about 14 years. Due to which, she got pregnant and subsequently aborted by consuming tablets given by the petitioners' son. Now the defacto complainant is studying second year in the Agriculture College, Dindigul, and the petitioners' son is used to visiting Dindigul occasionally and promised to marry the defacto complainant. Thereafter, for the past one week, the petitioners' son has avoided her without reason. On enquiry, she found that the petitioners' son eloped with another girl and cheated her. When the matter had been placed before the petitioners, they scolded the defacto complainant with filthy



language and also threatened her with dire consequences. Hence, the case has been registered.

3. The learned counsel for the petitioners submitted that the alleged occurrence happened on 16.09.2018 and the complaint was lodged on 12.05.2025, with the delay of 7 years. Even at the time of lodgment of complaint, the defacto complainant was not a minor, she was a major. This petitioners are concerned, they are the parents of the first accused. Except the offence under Section 506(ii) of IPC, there is no single allegation levelled against them. In order to settle the issue with the petitioners' son, the defacto complainant wantonly added the petitioners by making false allegation. Hence, he seeks anticipatory bail to the petitioners.

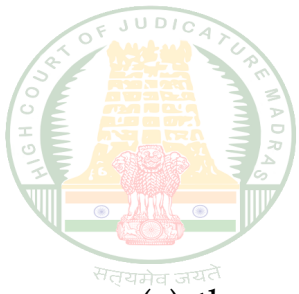
4. The learned Government Advocate (Criminal Side) submitted that there are totally three accused, in which the petitioners are arrayed as A2 and A3/parents of the first accused. The first accused, on the pretext of false promise, had sexual relationship with the defacto complainant. Thereafter, he married another girl. When it was placed before the petitioners herein, the petitioners scolded and threatened the defacto complainant with dire consequences. He would further submit that the first accused is concerned, still he is not secured and absconding.



The charge sheet has been filed through E-filing on 24.07.2025. However, he raised a formal objection.

6. Considering the facts and circumstances of the case and also considering the fact that the date of occurrence is 16.09.2018 and the complaint was lodged after 7 years i.e. on 12.05.2025 and FIR registered only on 27.05.2025, and also taking into the fact that the petitioners are the parents of the first accused and also considering the limited overtact as against the petitioners and the petitioner is not having any bad antecedents and hence, custodial interrogation is not necessary, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 Special Court for POCSO Act Cases, Thoothukudi District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the Judicial Special Court for POCSO Act Cases, Thoothukudi District, and on further conditions that:



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(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall furnish their residential address and mobile number to the Special Court for POCSO Act Cases, Thoothukudi District. In the event of any change in their residential address, the petitioners shall report the same to the Special Court for POCSO Act Cases, Thoothukudi District;

(c) the petitioners shall appear and sign before the respondent police daily at 10.00 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 BNS.

sd/-
29/07/2025

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/08/2025

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

VSD

TO

- 1.The Special Court for POCSO Act Cases,
Thoothukudi District.
- 2.The Inspector of Police,
All Women Police Station Kadambur,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.B.AJAYBRABU, Advocate (SR-8170[I] dated 30/07/2025)

ORDER
IN

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Date :29/07/2025

PR/21.08.2025 7P/5C

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