

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15715 of 2018

1 PONNUVEL

[PETITIONER / ACCUSED]

2 MARIAMMAL

3 MEENAKSHI

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE (CRIME),

S6 SANKAR NAGAR POLICE STATION,

KANCHIPURAM DISTRICT.

CR.NO.212 OF 2018

For Petitioner : M/S.G.A.THIYAGARAJAN Advocate

For Respondent : MR.C.RAGHAVAN, GOVERNMENT ADVOCATE [CRL.SIDE]

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.212 of 2018 originally registered by the respondent police for "Girl Missing" and thereafter, altered to Sections [*]366A, 342, 376 of IPC and Sections 3 and 4 of POCSO Act.

2. The case of the prosecution as per the de-facto complainant Sivanthini is that she has got two daughters and the second daughter was aged about 17 years and that she was found missing on 15.03.2018. Based on the complaint, a case was registered for girl missing. Thereafter, it came to light that the first accused in this case Samba @ Sham had abducted her daughter.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and that they have been falsely implicated in this case since they happen to be the parents and sister of the first accused in this case. He would submit that there was a love affair between the first accused and the victim and thereby, they have eloped and that the petitioners have been unnecessarily implicated in this case. He would also submit that the victim has been secured and that the first accused has been

arrested and thereafter, he was granted bail by the Mahila Court, Chengalpet.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners are the parents and sister of A1, who had abducted the victim girl named Venuja. He would submit that the victim girl has been secured and that the first accused has been arrested and later enlarged on bail. He would submit that the allegation against the petitioners is that they have assisted the first accused in kidnapping the victim girl.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the first accused in this case has been arrested and enlarged on bail, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, 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 Mahila Court, Chengalpet on condition that each of the petitioner 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
28/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*] Offences is amended, as per order of this court dated 28/06/2018, made in Crl.MP.NO.8656 of 2018 Crl.OP.NO.15715 of 2018

TO

1 THE MAHILA COURT,
CHENGALPET.

2 THE INSPECTOR OF POLICE (CRIME),
S6 SANKAR NAGAR POLICE STATION,
KANCHIPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.A.THIYAGARAJAN Advocate on payment of necessary charges in SR.NO. 11802

CRL OP.15715/2018

Date :28/06/2018

MLT-16/07/2018