



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2904 of 2018

1 EMILY PARADE JOHANSAN

2 JOHN IRUDHAYA JAYASTAN @ SILUVAI

JOHN IRUDHAYA JAYASTAN

... PETITIONERS/ACCUSED No.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.262 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.SANKAR, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 366-A of IPC., altered into Section 366-A and Section 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.262 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the daughter of the defacto complainant, namely, Catherine was studying B.A. Degree in Fathima College. On 29.08.2017, she went to the college and did not return to home, thereby the defacto complainant lodged a complaint and the same was registered for 'girl missing'. Subsequently, the defacto complainant filed H.C.P.(MD).No.1367 of 2017 before this Court and the victim girl was produced before this Court. Thereafter, based on the statement of the victim girl, the case has been altered into Section 366-A and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no



way connected with the offence as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that during the time of occurrence, the victim girl was aged about 17 years. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. Admittedly, the victim girl had love affair with the accsued, due to which she eloped from the custody of the defacto complainant and went along with the first petitioner to Velanganni, Poondi and finally they reached Tirunelveli and at that time, when they stayed at Poondi, the petitioner had physical contact with the victim girl. During the time of occurrence, the victim girl was aged about 17 years, thereby, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.SANKAR Advocate SR.No.3021

ORDER
IN
CRL OP(MD) No.2904 of 2018
Date :23/02/2018

PK/CM-VR/SAR-3/09.03.2018 : 2P/4C