



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21347 of 2018

P. BHARATHI

... PETITIONER /RANK NOT KNOWN

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,
TISAIYANVILLAI POLICE STATION,
TIRUNELVELI DISTRICT.

(IN CRIME NO. 164 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ARAVIND RAJ Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

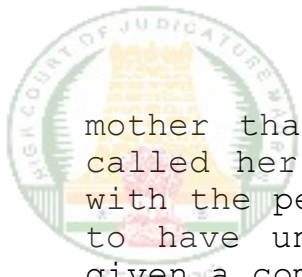
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 366-A of IPC and Section 8 POCSO Act, 2012, in Cr.No.164 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that on 18.05.2018 when the defacto complainant's daughter returned back to Chennai from Tisayanvilai Bus Stand, she was missing. Hence, the complainant filed for Girl missing. Later it was altered into Section 366-A of IPC and Section 8 of POCSO Act, 2012

3.The petitioner and the victim girl was working in Saravana Stores at Chennai. There was love affairs between them. On 18.05.2018, the victim girl proceeded from Tisayanvilai to Chennai. Coming to know that the victim girl would be reached Chennai, the petitioner had waited at Koyambedu Bus stand and taken up her to his aunt's house and they were together there. At that time, when the mother of the girl called upon, she said that she has been staying in Hostel. In the meanwhile, the Hostel Supervisor informed her



mother that the victim girl did not reach the Hostel. Again, she called her daughter and her daughter replied that she was residing with the petitioner in his brother's house. At that time he is said to have unintentional touch with the victim. Victim's mother had given a complaint.

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4.The learned Government Advocate (Crl. Side) submitted that initially, it was registered as girl missing case and thereafter the above case came to be registered. The victim had been examined under Section 164 of Cr.P.C. by the Judicial Magistrate, Tirunelveli. In her statement, she had admitted that she went voluntarily along with the petitioner and no sex advancement has been made by the petitioner.

5.Considering the same, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
05/12/2018

/ TRUE COPY /



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, NANGUNERI,
TIRUNELVELI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
TISAIYANVILLAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.21347 of 2018

Date : 05/12/2018

TM

AE/VR MMS/SAR1/11.12.2018/3P/5C