



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

Monday, the Third day of December Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21188 of 2018

SARAVANAM

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BODINAICKANOOR TOWN POLICE STATION,
THENI DISTRICT.
CRIME NO.1013/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.AK.AZAGARSAMI 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366(A), 109 I.P.C. @ 366A, 109 IPC and Section 6 of POCSO Act, in Crime No.1013 of 2018, seeks anticipatory bail.

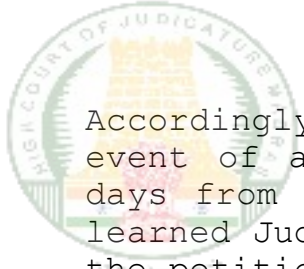
2.The case of the prosecution is that the petitioner's son, namely, Suriyaprakashm, eloped the defacto complainant's daughter, namely, Shalu aged about 17 years. Hence a case has been registered against the petitioner herein.

3. The learned counsel for the petitioner would submit that the petition is the mother of A1, she is an innocent and she has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent.

5.Taking into consideration the facts of the case, A1 except being the mother, the petitioner has nothing to do with the above said case. The statement of the Victim has been perused, she had also not mentioned anything with regard to this petitioner.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodi, Theni 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] the petitioner shall appear before the respondent police as and when required for interrogation.

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

[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 herself 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/-

03/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
BODINAICKANOOR TOWN POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AK.AZAGARSAMI Advocate SR.No. 22591

ORDER

IN

CRL OP(MD) No.21188 of 2018

Date :03/12/2018