



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.970 of 2019

BOOBATHI

... PETITIONER / RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT.
(IN CRIME NO.01/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.MARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

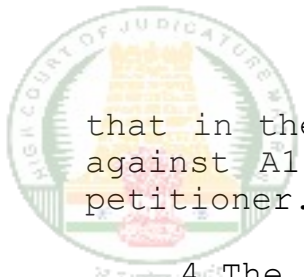
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506 (ii) IPC and Sections 5(j)(ii), 5(k), 5(1) and 6 of POCSO Act, in Cr.No.01 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter is mentally disordered person and she used to play with A1's daughter in their house. Taking advantage of the innocence of the victim girl, A1 / Murugan had committed rape on her and thereby, she has become pregnant. After two months, abortion was done in the Government Rajaji Hospital, Madurai. Later, the defacto complainant came to know that A1 is the culprit and thereby, he gave a complaint as against the A1 and there is no allegation as against the petitioner. However, after investigation it is revealed that the petitioner abused the defacto complainant, for which the Law Enforcing Agency implicated the petitioner in the above said case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person. He would further submit



that in the complaint the defacto complainant made allegations only against A1 and hence, he would pray for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that investigation is pending.

5. Considering the facts and circumstances and considering the fact that there is no serious allegations as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. However, the benefit of this order will not apply for A1, because the allegation against A1 is heinous one.

6. 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 District and Sessions Court (Mahila), Madurai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police as and when required;

(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;

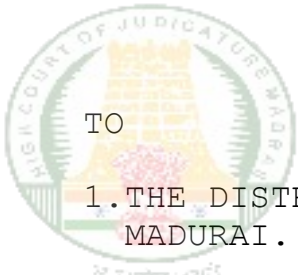
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/ Trial Court himself as laid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

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/02/2019

/ TRUE COPY /

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



TO

1. THE DISTRICT AND SESSIONS JUDGE (MAHILA),
MADURAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR,
MADURAI DISTRICT.

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

+1. CC to MR.M.MARAN Advocate SR.No.2824

ORDER

IN

CRL OP (MD) No.970 of 2019

Date :11/02/2019

AE/JC/SAR-II/15.02.2019/3P/5C