



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10032 of 2019

1. Muniyandi
2. Valli

... Petitioners/Accused Nos.2 & 3

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Keenarur,
Pudukottai District.
Crime No.6 of 2019).

... Respondent/Complainant

For Petitioners: M/s.V.Selva,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory Bail in Crime No.6/2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 363 of
IPC and 5 (1) r/w 6, 17 of POCSO, in Crime No.6 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners herein are the parents of A1 and
already A1 was arrested and remanded to judicial custody on
25.06.2019. he further submitted that during the pendency of this
petition, the first petitioner was also arrested by the respondent



police on 15.07.2019 and remanded to judicial custody. He further submitted that the second petitioner is none other than the mother of A1. The main allegation in the FIR is that the first accused had kidnapped the victim girl aged about 17 years and three months. He further submitted that insofar as the second petitioner concerned, since she is mother of A1, she has been falsely implicated in the above case and therefore, he prayed to grant anticipatory bail to the second petitioner.

4. Per contra, the Additional Public Prosecutor appearing for the respondent has submitted that the accused No.1 had kidnapped the victim girl aged about 17 years and three months. He had sexual intercourse with her and the petitioners herein being the parents, instead of warning their son, they encouraged their son to commit the offence and hence, he strongly opposed this petition.

5. Taking into consideration the fact that the petitioners are parents of A1 and during the pendency of this petition, the first petitioner was arrested and remanded to judicial custody and further, the second petitioner is only a mother of A1 and the main allegations are against A1 only, this Court is inclined to grant anticipatory bail to the second petitioner by imposing conditions. Since the first petitioner has been arrested during the pendency of this petition, this petition is dismissed against him.

6. Accordingly, the second 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 Sessions Judge, Mahila Court, Pudukkottai, on condition that the second 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

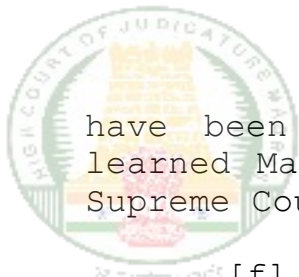
[a] if the second petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the second petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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

[d] the second 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/07/2019

/ TRUE COPY /

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

TO

- 1 THE SESSION JUDGE, MAHILA COURT PUDUKKOTTAI
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KEENARUR,
PUDUKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.SELVA Advocate SR.No.12064

ORDER
IN
CRL OP(MD) No.10032 of 2019
Date :22/07/2019

dss
JMN/PN/SAR-1/01.08.2019/3P-5C