



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

Date : 23/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9998 of 2019

T.Valli

... Petitioner/Accused No.2

Vs

State rep.by its
The Inspector of Police,
Auuppukottai Town Police Station,
Virudhunagar District
in Crime No.107 of 2019..

... Respondent/Complainant

For Petitioner : M/s.A.Jeyaram,
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.107/2019 on the file of the
Respondent Police.

ORDER :

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section Girl
Missing @ Sections 4, 5(1), 6 of POCSO Act, 2012, in Crime No.107 of
2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has not committed any offence as
alleged by the prosecution. He further submitted that since the
petitioner is the mother of A1, she has been falsely implicated in
the above case. He further submitted that the petitioner is in no
way connected with alleged relationship between A1 and the defacto
complainant and therefore, he prayed for anticipatory bail to the
petitioner.

4.Per contra, the learned Additional Public Prosecutor has
submitted that A1 and the defacto complainant loved each other and
eloped and hence, the case was originally registered under the
caption 'girl missing' and subsequently, the girl was secured and
after recording her statement under Section 164 of Cr.P.C., the case



has been altered into under Sections 4, 5(1), 6 of POCSO Act, 2012. He further submitted that the petitioner gave shelter to A1 and the defacto complainant and hence, he opposed for grant of anticipatory bail.

5.A perusal of the FIR shows that the main allegations are against A1 only. Insofar as the petitioner herein is concerned, she gave shelter to her son (A1) and the victim. Except the aforesaid allegation, no other allegation has been made against the petitioner and therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Mahila Court, Srivilliputhur, Virudhunagar 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 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:

[i] If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the 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 before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
23/07/2019

/ TRUE COPY /



TO

1. THE JUDGE, MAHILA COURT,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT

2. THE INSPECTOR OF POLICE
AUUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.A.JEYARAM Advocate SR.No.12183

ORDER

IN

CRL OP (MD) No.9998 of 2019

Date :23/07/2019

Ls

PK/VR/SAR-4/29.07.2019 : 3P/5C