



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

H.C.P(MD)No.1082 of 2019

WEB COPY

Silvans
(Father of the Detenue)

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.

3. Shabu

... Respondents

PRAYER: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, directing the 1st and 2nd respondents to produce the person or body of the detenue namely Anjalin Jency, aged 17 years, daughter of Silvans before this Court and hand over to the petitioner.

For Petitioner: Mr.M.Ashok Padmaraj

For RR 1 & 2 : Mr.K.Dinesh Babu,
Additional Public Prosecutor

O R D E R

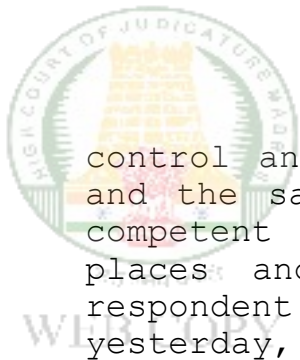
S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

The detenue Anjalin Jency was produced before this Court by the respondent police.

2. We enquired her and found that, she understood the questions put to her very clearly and she was able to cogently express herself. She stated that the third respondent is known to her family members and he used to regularly visit them. The third respondent is also married. She stated that he started mesmerizing her and bringing her under his control. Utilizing the age of the detenue, the third respondent seems to have brought the detenue under his



control and it looks like, he has also taken incriminating photos and the same is clear from the 164 statement recorded before the competent Court. The detainee stated that she was taken to many places and ultimately, she was secured along with the third respondent by the respondent police. She was brought to the Home and yesterday, she was sent along with her parents.

3. The learned Additional Public Prosecutor submitted that the third respondent is arrested and remanded to judicial custody and further submitted that, the 164 statement has already been recorded and the medical examination is also completed. The learned Additional Public Prosecutor produced the CD file before this Court and it is seen that the cell phone and other incriminating materials have been seized from the third respondent after his arrest. The respondent police shall ensure that the incriminating materials does not leak out in any manner.

4. Taking into consideration the facts and circumstances of the case, this Habeas Corpus Petition is disposed of with the following directions:

- (a) Whenever the third respondent moves a bail petition, the same shall not be decided without giving notice to the victim girl and the *de facto* complainant;
- (b) The respondent police is directed to complete the investigation and file the final report in Crime No.49 of 2019 within a period of three(3) months from the date of receipt of a copy of this order; and
- (c) The respondent police shall ensure that sufficient protection is given to the victim girl and she is not in any way threatened by the third respondent or any one acting under him.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Order made in
H.C.P (MD) No.1082 of 2019
14.11.2019

VB(02.12.2019) 3P 4C