



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9955 of 2020

1. Rajagopal
2. Lakshmi

... Petitioners/Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
Lalapettai Police Station,
Karur District.
(Crime No. 488 of 2020).

... Respondent/Complainant

For Petitioners: Mr.V.Karuna,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.488 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 366(A) of I.P.C., and Section 12 of POCSO Act, in Crime No.488 of 2020, seek anticipatory bail.

2.The case of the prosecution is that on 06.09.2020, the victim girl, who is aged about 10 years old, was kidnapped by the petitioners for the purpose of getting married the victim girl to the first petitioner. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4.The learned counsel appearing for the petitioners submitted that the only allegation against the petitioners is that the first



petitioner has attempted to marry the victim girl. As per their custom, if the victim fixed for the first petitioner, she will not be married the other person. Only for this purpose, she has been brought. Even according to the victim, there is no sexual assault. He further submitted that insofar as the second petitioner is concerned, she has already been arrested and remanded to judicial custody. Hence, he prayed for grant of anticipatory bail to the first petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the victim girl is aged about 10 years old. On the date of occurrence, the victim girl was kidnapped by the petitioners for the purpose of getting married the victim girl with the first petitioner. Fortunately, the victim girl was secured by the intervention of others. He further submitted that the second petitioner has already been arrested and remanded to judicial custody.

6.On perusal of the records including the statement of the victim girls given under Section 164(5) Cr.P.C. to the learned Judicial Magistrate, reveals that she was kidnapped by the petitioners by using car. Thereafter, they have purchased all the articles to get marry the victim girl.

7.Insofar as the second petitioner is concerned, she has already been arrested and remanded to judicial custody. Hence, this petition is not maintainable before this Court. Accordingly, this criminal original petition is dismissed in respect of the second petitioner.

8.Considering the facts and circumstances of the case and also considering the fact that there are serious allegations levelled against the first petitioner, I am not inclined to grant anticipatory bail to the first petitioner.

9.Accordingly, this Criminal original Petition is dismissed.

sd/-
05/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,
KARUR DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9955 of 2020
Date :05/10/2020

VSG
SRS/ SMA/ SAR-III/ 08.10.2020/ 3P/3C