



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

Date : 21/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10035 of 2020

1.Selvam @ Selva Kumar
2.Ponmani

... Petitioners/Accused
Nos.2 and 4

Vs

1.The State rep.by
The Inspector of Police,
Srivaikundam Police Station,
Tuticorin District.
Crime No.430 of 2020

2.The Inspector of Police,
Srivaikundam All Women Police Station,
Tuticorin District. ... Respondents/Complainants

For Petitioners : M/s.M.S.Jeyakarthik,
Advocate.

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.430 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 and 4,
apprehending arrest at the hands of the respondent police for the
offences punishable under Section 366, 506(i)
of IPC and 9[n] r/w 10 of POCSO Act, 2012, in Crime No.430 of 2020,
on the file of the first respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to
have kidnapped the victim girl, aged about 17 years, for the purpose
of getting married to A-1, who is the brother of the first



petitioner. Hence, the victim girl's mother lodged the present complaint. On receipt of the above complaint, the first respondent police has secured the victim girl from the custody of the accused 1 and 3.

3.The learned counsel appearing for the petitioners submitted that A-1 and A-3 were already arrested and A-4 is the mother of A-1 and she has no role to play.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that all the petitioners are involved in kidnapping.

5.Considering the facts and circumstances of the case and also considering the fact that the first petitioner, who is the brother of A-1 and he said to have driven the vehicle kidnapping the minor girl and now A-1 and A-3 were already arrested in this case, this Court is not inclined to grant anticipatory bail to the first petitioner/A-2. Hence, this petition is dismissed insofar as the first petitioner/A-2 is concerned.

6.Insofar as the second petitioner/A-4 is concerned, since she is the mother of A-1 and there is no substantial allegation against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner/A-4 with certain conditions.

7.Accordingly, the second petitioner/A-4 is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial on Cases under POCSO Act, Thoothukudi, on condition that the second petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)the second petitioner/A-4 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 second petitioner/A-4 shall report before the respondent police as and when required for interrogation;

(c)the second petitioner/A-4 shall not tamper with evidence or witness either during investigation or trial;

(d)the second petitioner/A-4 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 second petitioner/A-4 in accordance with law as if the conditions have been imposed and the second petitioner/A-4 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]***; and;

(f) if the second petitioner//A-4 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/09/2020

/ 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 concerned.

TO

1.THE SPECIAL COURT FOR EXCLUSIVE TRIAL ON CASES
UNDER POCSO ACT, THOOTHUKUDI.

2.THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.

3.THE INSPECTOR OF POLICE,
SRIVAIKUNDAM ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.6539

ORDER
IN
CRL OP(MD) No.10035 of 2020
Date :21/09/2020

SJI
TK/VR/SAR.2/24.09.2020/3P/6C

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