



WEB COPY

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

Date : 14/10/2020

PRESENT

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

CRL OP(MD) . No.11325 of 2020

M.Bagavathi

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(In Crime No. 1376 of 2020).

... Respondent/Complainant

For Petitioner : M/s.R.Alagumani,
Advocate.

For Respondent : Mrs.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1376 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 366, 342, 323 of IPC r/w under Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.1376 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st accused kidnapped the minor victim girl, who was aged about 14 years at the instigation of A1 and compelled her to marry him. Since she refused to marry him, he tied Thali forcibly and had committed the sexual assault against her in the presence of the petitioner. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. The 1st accused fell in love with the victim girl and therefore, the petitioner never encourage the love affair between the 1st accused and the victim girl. Infact, she directed the victim girl to go to her house. Hence, he prayed for anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that there are totally 2 accused persons. The petitioner herein and the 1st accused are the mother and son. The victim girl was also produced before the concerned Magistrate Court and her statement was recorded under Section 161 Cr.P.C. It is revealed therefrom that the 1st accused kidnapped the minor victim girl, who was aged about 14 years at the instigation of A1 and compelled her to marry him. Since she refused to marry him, the petitioner assaulted her and confined her in the room along with her son. Thereafter, the 1st accused tied thali forcibly and had committed sexual assault against her in the presence of the petitioner. The petitioner and the 1st accused confined the victim girl in their house for a period of two days and thereafter the 1st accused dropped the victim girl in her house.

6. It is seen that there are totally 2 accused. The petitioner herein is arrayed as A2, who are the mother of A1 and she helped the 1st accused to commit offence.

7. Considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
14/10/2020

/ 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 concerned.



TO

1 THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-7101[I] dated 16/10/2020)

ORDER

IN

CRL OP(MD) No.11325 of 2020

Date :14/10/2020

dss

AE/AKM/SAR-III (28.10.2020) 3P 4C