



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13948 of 2020

Banu @ Banumathi

... Petitioner/Accused No.5

Vs

State Rep.by,
The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.
Crime No. 13 of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

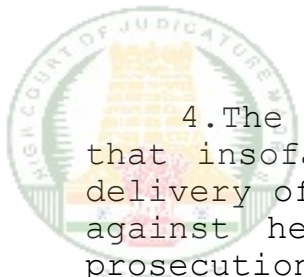
PRAYER :- For Anticipatory Bail in Crime No.13 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 109, 114, 201, 312 and 313 of IPC, and Sections 5(j)(ii), 5(1), 5(n) and 6 of POCSO Act, in Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 15 years, had fallen in love with the first accused. At that time, the first accused by giving false promise to marry the victim girl, had physical relationship with her. Due to which, the victim girl got pregnant and thereafter, during 8 months of her pregnancy, the parents of the victim girl informed the same to the first accused's family. Thereafter, she was taken by the first accused and his mother to the petitioner's hospital and where administered some medicine for delivery. After the delivery, she gave birth to a female child and the female child was taken by the first accused and others. Hence, the present 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 insofar as the petitioner is concerned, she has attended the delivery of the victim girl and there is no other serious allegation against her. He further submitted that even according to the prosecution, the main accused has already been arrested and remanded to judicial custody. Therefore, the custodial interrogation of the petitioner does not require. Hence, he prayed for grant of anticipatory bail to the petitioner.

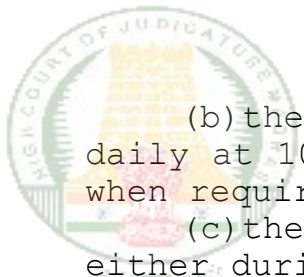
5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the victim girl, who is aged about 15 years, had fallen in love with the first accused. At that time, the first accused by giving false promise to marry the victim girl, had physical relationship with her. Due to which, the victim girl got pregnant and thereafter, during 8 months of her pregnancy, the parents of the victim girl informed the same to the first accused's family. Thereafter, she was taken by the first accused and his mother to the petitioner's hospital and where administered some medicine for delivery. After the delivery, the female child was taken by the first accused and others. Hence, the crime has been registered.

6.It is seen that totally there are six accused in this case, in which, the petitioner has been arrayed as A5. The first accused fell in love with the victim girl, who is aged about 15 years. At that time, the petitioner by giving false promise had physical relationship with her. Due to which, she got pregnant. During eight month pregnancy, she was taken to the petitioner's hospital and the petitioner has given medicine for delivery and attended the delivery and she gave birth to a female child. Thereafter, the said child was taken by the other accused persons. Though the victim girl is a minor, the petitioner has attended the delivery only and there is no other serious allegations against the petitioner.

7.Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Kulithalai, 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:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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]; and;

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

sd/-

03/12/2020

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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 JUDICIAL MAGISTRATE NO.II, KULITHALAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT

3.THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13948 of 2020

Date :03/12/2020

VSG

PK/JC/SAR-II/15.12.2020 : 3P/5C

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