



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20465 of 2021

IN

P.R.C.NO.13 of 2021

(on the File of the Learned IX Metropolitan Magistrate,saidapet)

1 THIRUPATHIAMMAL  
2 BALA ENGAMMA

[ PETITIONERS / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
J-5, SASTHRI POLICE STATION,  
CHENNAI.  
(CR.NO. 155/2020)

[ RESPONDENT ]

For Petitioner : M/S. P.SURENDRAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the offence under Girl Child missing @ 363, 368, 369, 370 r/w 120B IPC @ 369, 370 r/w 32 IPC in Cr.NO.155 of 2020, seek anticipatory bail.

2. The case of the prosecution is that on 28.02.2020, while the defacto complainant and her 8 months child sleeping at Besant Nagar Beach, the petitioner and other persons taken away the child to somewhere and hence the defacto complainant lodged a complaint before the respondent police. Hence this case.

3.The learned Counsel for the petitioners submitted that the petitioners were granted suo motu interim bail by this Court on 26.03.2020, in view of the COVID 19 situation with direction to surrender before the Magistrate on or before 16.04.2020. On that date also, the Covid-19 situation continued and in the meanwhile, the respondent police completed the investigation and filed Charge Sheet in P.R.C.NO.13 of 2021 and the same is pending before the learned IX



Metropolitan Magistrate, Saidapet. Hence apprehending arrest at the hands of the respondent Police, this petition has been filed by the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the co-accused have already been enlarged on bail vide order dated 12.05.2021, passed by the Trial Court in Crl.M.P.No.10184/2021 and the girl child has also secured by the respondent Police.

5. Since the Charge Sheet has been filed before the Trial Court, the question of apprehension of arrest does not arise. However, considering the facts and circumstances of the case that co-accused was granted bail by the Trial Court, a liberty is granted to the petitioners to file appropriate petition before the Trial Court.

6. Accordingly, this Criminal Original Petition is disposed of.

-sd/-  
29/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned  
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE IX METROPOLITAN MAGISTRATE,  
SAIDAPET.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
J-5, SASTHRI POLICE STATION,  
CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S. P.SURENDRAN Advocate on payment of necessary charges SR.NO.12164

CRL OP.20465/2021

Date :29/10/2021