



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2712 of 2021

Ramya

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Cantonment, Trichy City.
Crime No.1/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime no. 1 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 284,109, 506(i) of IPC and Sections 7,8 and 17 of the POCSO Act seeks anticipatory bail.

2. The petitioner herein is the wife of the defacto complainant. The case of the prosecution is that the petitioner and the informant got married on 10.09.2020 and they were blessed with two children. The friend of the informant migrated to adjacent house of the informant and there was some illicit relationship with the petitioner herein. When the same was questioned by the informant the petitioner eloped from the matrimonial home. Only thereafter the informant came to understand that the sleeping pills were given to



his daughter to involve in sexual relationship with the petitioner. Further his daughter informed that the said Amal Raj doing bad touch. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that into damage the name and character of the petitioner, this false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein had developed some illegal relationship with one Amal raj who misbehaved with the minor daughter of the petitioner herein.

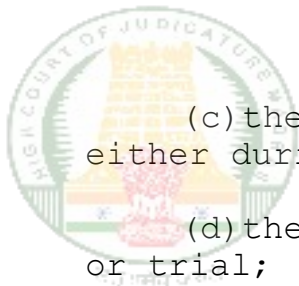
5. It is seen that the petitioner is the wife of Ganesh Kumar who has relationship with Amalraj which was witnessed by her minor daughter and she had informed the same to his father Ganesh Kumar and thereafter fight arose between them. This had happened somewhere in the month of June 2020. Thereafter they were living together and finally on 25.10.2020 the petitioner was constantly harassed by the family members stating the illegal relationship with Amalraj, due to which she left the matrimonial home and staying in the women's hostel at Thanjavur. Later this complaint came to be registered on 04.02.2020. At that time also only the victim girl made allegation against this petitioner. This petitioner having knowledge of the other accused making bad touch on her , this petitioner is arrayed as abettor. Further the petitioner is none other than the mother of the victim.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Trichy 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 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;

WEB COPY (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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/03/2021

/ TRUE COPY /

/ /2021

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 JUDGE,
MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY CITY.

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

ORDER

IN

CRL OP(MD) No.2712 of 2021

Date :01/03/2021

AAV

AE/JC/SAR-IV (04/03/2021) 3P / 4C

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