



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2916 of 2021

C.Thanusree ... Petitioner/Accused Rank Not Known

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
In Crime No.34/2020

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
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.Crime No.34/2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 of IPC @366 of IPC and Sections 3(a), 4 and 17 of POCSO Act seek anticipatory bail.

2. The case of the prosecution is that the first accused on false promise of marrying the victim girl, kidnapped her, had sexual relationship and thereafter refused to marry her. Hence the complaint.

3. The learned counsel for the petitioner would submit that since the petitioner is the sister of the first accused she has been falsely implicated in this case. He would also submit that the petitioner does not know about the love affair between the first accused and the victim . He would also submit that the now the victim is secured and the first accused was also arrested.



4. The learned Government Advocate(Crl.Side) would submit that the first accused on false promise of marrying the victim girl, kidnapped her, had sexual relationship and thereafter refused to marry her

5.It is seen that the petitioner is the elder sister of Dhanesh/first accused. The said Dhanesh and the victim loved each other for the past three years and when it came to the knowledge of the parents of the victim they had abused her and made arrangement for the victim with some other person against her wish. Thereafter the victim left her parental house and compelled the first accused to take her away from her home and the first accused had told her you are minor and asked her to go to her house. since the victim refused to go to her home, the first accused with no other option had taken the victim to her sister's house and stayed there from 18.08.2020 to 19.08.2020 morning. Thereafter both the petitioner and the victim was produced before the respondent police. These facts are seen from the statement of the victim recorded under Section 164 (5) of Cr.P.C.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner herein has only given shelter in her home for one day, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

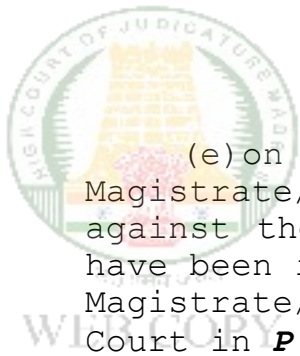
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Nagercoil on condition that the petitioner shall execute a bond for a sum of 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;



(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/-
24/02/2021

/ 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, ADDITIONAL MAHILA COURT,
NAGERCOIL
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2916 of 2021
Date : 24/02/2021

AAV
PK/PN/SAR-I/01.03.2021 : 3P/4C