



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.8180 of 2021

1.Xavier @ Xavier Chandrasekar

2.Devi @ Devika

... Petitioners/Accused Nos 3&4

Vs

State rep by
The Inspector of Police,
SIPCOTT Police Station,
Thoothukudi.
Cr.No.238 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.T.Senthilkumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.238 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 366(A) IPC and Sections 5(1), 16 and 17 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.238 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first accused was having love affair with the victim girl Mohana, who is aged about 17 years and kidnapped the victim child on 13.06.2021. The second petitioner herein is the sister of A1 and the first petitioner is the husband of the second petitioner. They have also been arrayed as

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



the offence by dropping them in their car.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the victim girl was rescued and statement of the victim girl under Section 164 Cr.P.C., was also recorded.

5.In the statement recorded under Section 164 Cr.P.C., the victim girl stated that A1/Karkuvel is her relative and they had an affair with each other, which was objected by her family members.

6.Considering the fact that the second petitioner is sister of A1 and the first petitioner is husband of second petitioner and the allegation that they have facilitated for their elopement, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for POCSO, Thoothukudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC

WEB COPY

sd/-
04/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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 Special Judge
Special Court for POCSO,
Thoothukudi.
- 2 The Inspector of Police,
SIPCOTT Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-5139[I] dated 05/08/2021)

ORDER
IN
CRL OP(MD) No.8180 of 2021
Date :04/08/2021

PKP/VR/SAR2 09/08/2021 : P5 : 5C

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