



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

Date : 28/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8405 of 2021

C.Sruthi ... Petitioner/Accused No.2

Vs

The Inspector of Police,
All Women Police Station,
Pudukottai,
Thoothukudi District.
Crime No.238 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Girl Missing case @ Sections 366(A) of IPC & 5(1) r/w 6 and 16 r/w 17 of POCSO Act, in Crime No.238 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the victim Mohana. On 13.06.2021, at about 03.30 p.m., the victim has left the house and went to her aunt's house. Sofar, she has not returned. When he enquired about her whereabouts, he could not get any positive information about the whereabouts of Mohana. Therefore, the defacto complainant gave a complaint under girl missing case. Subsequently, the case has been altered into Sections 366(A) of IPC & 5(1) r/w 6 and 16 r/w 17 of POCSO Act.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that she had noway involved in the alleged love affair between the accused Karguvel and the victim. Therefore, she seeks anticipatory bail.



4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the accused Karguvel and the victim girl visited the house of Sruthi, who is the petitioner herein. Therefore, she has also been implicated in this case. He further submitted that the main accused Karguvel had been arrested and remanded to judicial custody.

5.Apparently, there is no material to show that this petitioner had anyway involved in the alleged love affair between the victim and the accused Karguvel and she had facilitated the relationship between Karguvel and the victim. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Exclusive Trial of Cases under the POCSO Act, Thoothukudi, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 respondent police daily, at 10.30 am., until further orders;

[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/-
28/06/2021

/ 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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT,
THOOTHUKUDI.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI, THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.N.PRAGALATHAN, Advocate SR.No.4202

ORDER
IN
CRL OP(MD) No.8405 of 2021
Date :28/06/2021

SM
AE/JC/SAR-II/30.06.2021/3P/5C