



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.07.2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8634 of 2021

Jayamani

... Petitioner/Accused
Rank Not Known

Vs

State Represented by its,
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
In Crime No.147 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.R.Balaji, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Criminal Side)

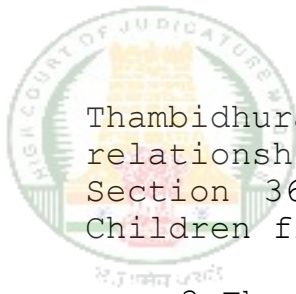
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.147 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 offences punishable under Section 366(A) of IPC and Sections 6 and 5(1) of Protection of Children from Sexual Offences Act in Crime No.147 of 2021 , seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter Renuga was studying 9th standard. She had gone missing from 20.04.2021. The defacto complainant and her family members made a search for her. But, she could not be located. Later, the defacto complainant came to know that her daughter was kidnapped by the accused for marriage. This case was originally registered under Section 366(A) of IPC and subsequently altered to Section 366(A) of IPC and Sections 6 and 5(1) of Protection of Children from Sexual Offences Act. The alteration report shows that Ponnusamy and



Thambidhurai. After marriage, Thambidhurai had physical relationship with her. Therefore this case is now altered to Section 366(A) of IPC and Sections 6 and 5(1) of Protection of Children from Sexual Offences Act.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he was not aware of the fact that the victim girl was a minor. He further submitted that the first accused and some other accused were arrested and released on bail. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Counsel Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is pending. However, he conceded that the first accused and some other accused were arrested and released on bail.

5. In the case on hand, the allegation against the accused is that they had illegally performed the marriage between the minor victim girl and the accused Thambidurai. After marriage, Thambidurai had physical relationship with the victim girl. The petitioner is A10 in this case. The only allegation against the petitioner is that she was one of the accused who made arrangements for the marriage. Considering the above facts of the case and the fact that the main accused and some other accused had been released on bail and the fact that substantial part of the investigation is over, this Court is of the view that custodial interrogation of the petitioner is not necessary and hence, 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 Sessions Court (Mahaleer Neethimandram), Tiruchirappalli 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 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 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].

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

sd/-

06/07/2021

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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,
SESSIONS COURT (MAHALEER NEETHIMANDRAM),
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8634 of 2021

Date :06/07/2021

mbi

JM/MNR/SAR I/08.07.2021/3P/4C