



WEB COPY

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

Date : 08/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9040 of 2021

Vimala

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
AWPS Thallakulam,
Madurai City.
Crime No.69/2020.

... Respondent/Complainant

For Petitioner : Mr.Mahendrapathy.S.,
Advocate.

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

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

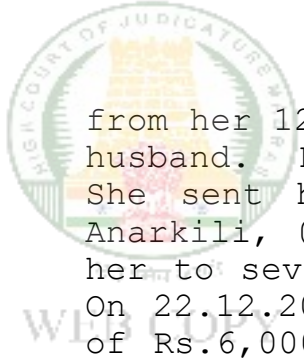
PRAYER :-

For Anticipatory Bail in Cr.No. 69 of 2020 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 Sections 3, 4, 17 of Protection of Child from Sexual Offences Act, 2012 and Section 370-(4), 370A(1) IPC r/w Section 4(2)(c) of the Immoral Traffic (Prevention) Act, 1956 in Crime No.69 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's date of birth is 20.01.2005 and she is 15 years old. Her mother belongs to Muslim community and her father belongs to Hindu community. Her father died when she was 4 years old. She has two elder brothers, one elder sister and one younger brother and one younger sister. She studied upto 8th standard. Her mother suffered brain related issues. She was taken care by her aunt Jeyalakshmi



from her 12 to 15 years. Her aunt married one Induraja as her third husband. From her 14 years, her aunt involved her in prostitution. She sent her to several persons. Her aunt along with Sumathi, Anarkili, @ Anarammal, Ice Chandra @ Sori Chandra and Thangam sent her to several persons for satisfying their lust and earned money. On 22.12.2020, she was sent to one Saravanaprabu for consideration of Rs.6,000. He took her to a house and raped her. When he had gone for getting food, she informed the Inspector of Police, Anti-Human Trafficking Wing. Thereafter, Police came and arrested the said Saravanaprabu and registered the present case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and her name is not mentioned in FIR. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that small girl was inducted into prostitution and the accused in this case earned money by forcing the minor girl into prostitution. It is his further submission that this petitioner Vimala also involved in forcing the victim in prostitution. In support of his submission, he produced the copy of the Section 164 Cr.P.C., statement of the victim girl. In the Section 164 Cr.P.C., statement, the victim girl, among other things, had also implicated this petitioner Vimala that she had taken her to Vadipatti and made one person to have sexual intercourse with her.

5.It is seen from the allegations made in FIR and in Section 164 Cr.P.C., statement that the victim, who is a minor girl, was forced into prostitution by her aunt Jeyalakshmi with active assistance of other accused, including this petitioner. The learned Government Advocate(Crl.side) further submitted that some other persons also involved in this offence. Taking into consideration the seriousness of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

08/07/2021

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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 INSPECTOR OF POLICE,
AWPS THALLAKULAM,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.9040 of 2021

Date :08/07/2021

GNS

TE/AKM/SAR-V : 13/07/2021 : 3P/3C