



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10578 of 2021

Vijayakumari

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Crime No.18 of 2021).

... Respondent/Complainant

For Petitioner : Mr.N.Sreenivasalu

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

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

PRAYER :-

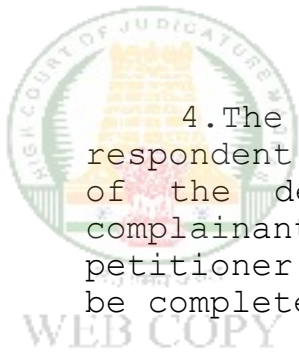
For Anticipatory Bail in Crime No.18 of 2021 on the file of the respondent police.

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 Sections 366 (1) of IPC altered into Section 366 IPC and Sections 5(1), 6, 17 POCSO Act in Crime No.18 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter, who is a minor, had an affair with the petitioner's son, who is arrayed as first accused in this case. The first accused eloped with the minor girl. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the first accused and the daughter of the defacto complainant eloped and therefore, the defacto complainant lodged the present complaint implicating the the petitioner also. He further submitted that investigation is yet to be completed.

5.Considering the nature of allegations levelled against the petitioner and the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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/-
12/08/2021

/ 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 Judicial Magistrate No.1,
Nagercoil,
Kanyakumari District.
- 2.The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police,
All Women Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD)No.10578 of 2021
Date : 12.08.2021

TR/JM/SAR-III (19.08.2021) 3P 5C