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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.12042 of 2021

1. Tamilselvi
2. Balamurugan

... Petitioners/EXPECTED Accused

Vs

State rep.by
The Sub Inspector of Police,
Sipcot Police Station,
Tuticorin District.
(Crime No.315 of 2021).

... Respondent/Complainant

For Petitioners: M/s.Prabakaran.C, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no. 315 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 366 of IPC r/w 5(1) 6(1) of the Protection of Children From Sexual Offences Act, in Crime No.315 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Paramasivam, who is the father of the victim girl, lodged a complaint on 04.08.2021 stating that victim girl was found missing.

3.The learned counsel for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in



this case. The first petitioner is the mother of the second petitioner. The second petitioner and the victim girl loved each other and therefore, they eloped. Hence, they seek for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecution appearing for the respondent would submit the victim girl is aged about 17 years and the second petitioner is aged about 20 years. The victim girl was produced before the learned Judicial Magistrate No.III, Tuticorin and her statement has also been recorded, where, she has stated that she had love affair with the second petitioner for more than two years and on her own volition, she left with the second petitioner.

5. Taking into consideration of the facts and circumstances of the case and the statement given by the victim girl before the learned Magistrate, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tuticorin, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., 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]**; and;



(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
16/09/2021

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

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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.III
TUTICORIN.
2. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
3. THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRABAKARAN C Advocate SR.No.6388

ORDER
IN
CRL OP(MD) No.12042 of 2021
Date :16/09/2021