



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.09.2021

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PRESENT

The Hon'ble Mr. Justice B. PUGALENDHI

CRL OP (MD) . No.13362 of 2021

Jayamani

... Petitioner/Petitioner

Accused Rank not known

Vs

State Rep. By its
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.147/2021).

... Respondent/ Respondent/
Complainant

For petitioner : Mr.N.R.Balaji
Advocate.

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

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

PRAYER :-

For Anticipatory Bail Crime No.147 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused rank not known, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 366 (A) of IPC and Section 3(a), 4 and 5(1) r/w. Section 6 of the Protection of Children from sexual Offences Act, 2012, in Crime No.147 of 2021 on the file of the respondent police, 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 Section 6 and 5(1) of Protection of Children from Sexual Offences Act. The alteration report shows that Ponnusamy and



Krishnasamy approached the victim girl and asked her to marry A8, 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 6(1) of Protection of Children from Sexual Offences Act.

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3. This Court by earlier order dated 06.07.2021 in CrI.O.P.(MD). No.8634 of 2021, granted anticipatory bail to the petitioner on condition that the petitioner shall produce sureties within a period of fifteen days from the date of receipt of the order copy. Since, she could not furnish the sureties, she filed a petition in CrI.M.P.(MD).No.5167 of 2021, seeking extension of time. The Court extended the time by two weeks on condition that the petitioner should deposit additional sum of Rs.5,000/- to the Credit of Chief Minister's Public Relief Fund. But, that order was not complied by the petitioner. Therefore, she came forward with the present criminal original petition seeking anticipatory bail along with a copy of the payment receipt for the proof of payment of Rs.5,000/- towards the Chief Minister's Public Relief Fund.

4. In view of the submissions made by the learned counsel for the petitioner and in view of the compliance of the earlier order passed by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, (Mahalees 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 learned Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(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 Judge/ 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court



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

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Sd/-
14/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
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 SESSIONS JUDGE, SESSIONS COURT
(MAHALEER NEETHIMANDRAN), TIRUCHIRAPPALLI.
2. THE INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND
GOVERNMENT OF TAMIL NADU, SECRETARIAT BRANCH,
CHENNAI-9.

+1 CC to M/S.N.R.BALAJI, Advocate (SR-6265[I] dated 15/09/2021)

ORDER
IN
CRL OP (MD) No.13362 of 2021
Date : 14.09.2021

VB/VR/SAR.II/21.09.2021/3P/6C