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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

HCP.No.986 of 2022

A.Jayakodi

.... Petitioner

-vs-

1.State represented by
Superintendent of Police,
Thiruvannamalai - 635 601.

2.The Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai Taluk,
Thiruvannamalai District - 606 708.

3.The Sub Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai Taluk,
Thiruvannamalai District - 606 708.

4.Mr.Sirildass

.... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to direct the respondents 1 to 3 to produce the body of the petitioner's minor daughter A.Albin Sheela, aged 15years who is under illegal custody of the 4th respondent and hand over the custody of A.Albin Sheela to the petitioner.

For Petitioner : M/s.J.Agni Selvaraju

For Respondents : Mr.E.Raj Thilak, APP.

O R D E R

S.VAIDYANATHAN, J.

and

A.D.JAGADISH CHANDIRA, J.

This Habeas Corpus Petition has been filed to direct the respondents 1 to 3 to produce the body of the petitioner's minor daughter A.Albin Sheela, aged 15years who is under illegal custody of the 4th respondent and hand over the custody of



A.Albin Sheela to the petitioner.

2. It is the case of the petitioner that her minor daughter A.Albin Sheela was born on 10.04.2007 and she was studying 10th standard at Good Shepherd Higher Secondary School, Kurugilmur Village, Tandarampattu village. She was found missing on 26.04.2022 around 7.00am and her efforts to trace out her daughter have ended in vain. Subsequently, on verification, it was found that the 4th respondent had kidnapped her daughter and therefore the petitioner had given a complaint on 05.05.2022 before the first respondent and the third respondent had registered the case in Cr.No.203 of 2022 on the same day, under the caption "girl missing". Since, the respondent/police had not taken any effective steps to secure the daughter of the petitioner, she has approached this Court by way of filing the present petition.

3. During the course of enquiry, the respondent/police found the accused along with the daughter of the petitioner at Tiruvannamalai Bus Stand. The minor girl was rescued from his custody and the accused was arrested based on the statement given by the minor girl. Thereafter, the respondent/police altered the case for kidnapping and for the offences under Sections 4, 5(1) and 6 of the POCSO Act.

4. Today, the victim girl is produced by the second respondent police. This Court enquired the victim girl and she has stated that the 4th respondent had kidnapped her and now, she wants to go along with her mother/petitioner.

5. The petitioner is also present before this Court, who has consented and is ready to take the victim minor girl along with her. The petitioner has agreed to cooperate with the respondent/police for investigation and if needed she will also produce her minor daughter before the respondent police for enquiry as and when required. In view of the statement made by the petitioner and her daughter/detenu, the custody of the victim minor girl is handed over to the petitioner/mother.

6. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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To

1.State represented by
Superintendent of Police,
Thiruvannamalai - 635 601.

2.The Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai Taluk,
Thiruvannamalai District - 606 708.

3.The Sub Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai Taluk,
Thiruvannamalai District - 606 708.

4.The Public Prosecutor,
High Court, Madras.

HCP.No.986 of 2022

SKM(CO)
SB(30/06/2022)