



WEB COPY



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

Date : 25/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12144 of 2022

Jackulin Mary John Kelvin ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Colachal,
Kanyakumari District
(Crime No.17 of 2022). ... Respondent/Complainant

For Petitioner : Mr.Palani Velayutham.S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 305 IPC, Sections 7 and 8 of POCSO Act, 2012 and Section 75 of Juvenile Justice Act in Crime No.17 of 2022 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.The victim, who is aged about 16, was doing her 10th std., in the St., Mary's Higher Secondary School, Colachel. Her mother left the family, when she was a child. So, she was living with her sister. Later, the victim was under the care and custody of the petitioner herein, who is her aunt for about 6 years. During September 2021, at one day night, the 1st accused committed sexual assault upon the victim girl. In October, 2021, the 1st accused also caused sexual assault. When the victim girl was living under the



care and custody of the 2nd accused, she was harassed, abused and beaten up. Unable to bear the torture, abuse and assault of the 2nd accused, who is the petitioner herein, the victim girl went to her father's home. The victim girl started living with her father's third wife. She also assaulted and abused the victim girl. So, on the basis of the complaint given by the defacto complainant, investigated and after completing the formalities of investigation, final report was filed against all the accused persons. Against this petitioner/A2, it has been stated that she has committed the offences punishable under Section 75 of Juvenile Justice Act. Seeking anticipatory bail, this petition came to be filed by this petitioner.

4. From the perusal of CD file, it is seen that the final report has been filed before the trial Court and the same has been taken cognizance also. Insofar as this petitioner is concerned, she has been shown as absconding accused. How this petitioner was shown as absconding accused, when this petition is pending before this Court, is not explained by the prosecution. The 1st accused was arrested and remanded to judicial custody. Since the final report has been filed before the concerned Court and no further custodial interrogation of the petitioner is required, the petitioner may appear before the trial Court and execute bond for her appearance with or without sureties as may be required by the trial Court.

Sd/-

25/07/2022

/ TRUE COPY /

/08/2022

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

MM

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,
ALL WOMEN POLICE STATION,
COLACHAL, KANYAKUMARI DISTRICT
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.12144 of 2022

Date : 25/07/2022