



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18311 of 2021

1. Muthumari
2. Saraswathi

... Petitioners/Accused
Rank Nos.2 and 4

Vs

The State rep.by
The Inspector of Police,
Mudukulathur Police Station,
Ramanthapuram District.
(Crime No. 382 of 2021).

... Respondent

For Petitioner : Mr.J.VISHNU,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 382 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 366(A) @ 366 IPC and 5(1), 6 and 17 Of POCSO Act in Crime No.382 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 01.11.2021 at about 08.30AM, the daughter of the *defacto* complainant went to school and she did not return to home. On enquiry, the daughter of the *defacto* complainant went with the son of the first petitioner and the *defacto* complainant assumed that the petitioners had arranged marriage for his daughter. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and that the father of the third accused has already been granted bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the first petitioner is the mother, second petitioner is the grand mother of the accused, that A3 and his father were arrested and A3 is still in custody and that the victim girl is now with her parents.



5. Admittedly, the petitioners are the mother and grand mother of first accused. Considering the nature of charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents and that the first accused was already granted bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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, Mudukulathur, Ramanathapuram District, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent Police Station daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with 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 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]**; and;

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

sd/-
15/02/2022

/ TRUE COPY /

/ /2022
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
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MUDUKULATHUR POLICE STATION,
RAMANTHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18311 of 2021

Date :15/02/2022

SA/SBN/SAR.4/23.02.2022/3P/5C