



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

Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20210 of 2022

Rajeshwari

... Petitioner/Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai City,
Madurai.
in Crime No.737/2022.

... Respondent/Complainant

For Petitioner : Mr.Niranjan S.Kumar
for M/s.Murugaganesan.S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.737/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 6 of POCSO and 420 of I.P.C, in Crime No.737 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is doing business and his daughter is pursuing her first year B.Com at Lady Dok College, Maudrai. The first accused with his deceptive words had obtained a sum of Rs.75,000/- from the defacto complainant and thereafter, he tried to have a physical relationship with her and the accused had convinced her and took a photo of the



defacto complainant's daughter. Thereafter, the accused started to demand the defacto complainant's daughter to dance for his rhythms otherwise he will upload the photos in online. The defacto complainant's daughter on his demand had given 120 grams and a sum of Rs.8,00,000/- on three occasions. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is the mother of the first accused, namely, Chandru and other than that there is no nexus between the defacto complainant's daughter and her. She was roped into the present case in order wreck their vengeance. He would further submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. Hence, he may be granted bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that totally, two accused in this case and the first accused was arrested and till now, he is still in judicial custody. The petitioner is the mother of the first accused. Based on the confession statement of the first accused, the petitioner arrayed as accused in this case. He would further submit that 164 Cr.P.C statement of the victim girl has also been recorded and the petitioner is not having any previous case. Further, in this case, till now, four witnesses have been examined and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the statement given by the victim girl under Section 164 Cr.P.C and also the fact that the petitioner is not having any bad antecedents and four witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, 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 Magistrate 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before 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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

cp

To

1.The Judicial Magistrate No.II,
Madurai.

2. -do-Through The Chief Judicial Magistrate, Madurai.

3. The Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai City, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.NIRANJAN.S.KUMAR, Advocate (SR-13117[I] dated 16/11/2022)

ORDER

IN

CRL OP(MD) No.20210 of 2022

Date :15/11/2022