



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.20716 of 2022

Bakiyalakshmi

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Sambavarvadakarai Police Station,
Tenkasi District.
(Crime No.241 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram 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 Crime No.241 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section Girl Missing @ under Sections 366 IPC and Sections 6 r/w 5(1) of Protection of Child from Sexual Offences Act, 2012 in Cr.No.241 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's daughter, who is aged about 17 years, was found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that initially the case was registered under girl missing. Thereafter, based on the statement of the victim girl, the case was altered. He would further submit that A1 and the victim girl loved each other for the past three years. The victim girl eloped with A1 and stayed in the petitioner's house. He would further submit that the petitioner is the sister of A1 and she only gave shelter to them. Except that, there is no specific allegation against the petitioner. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl.Side) would submit at it is a case of love affair. The victim girl is aged about 17 years. The petitioner is the sister of A1. A1 and the victim girl loved each other and the same was not accepted by the parents of the victim girl. Therefore, the victim girl eloped with A1 and stayed in the petitioner's house, at that time, A1 had physical relationship with her. The statement of the victim girl has been recorded under Section 164 of Cr.P.C. Four witnesses have been examined in this case. The investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also taking note of the statement given by the victim girl under Section 164 of Cr.P.C. and also the fact that four witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for POCSO Act Cases, Tirunelveli, Tirunelveli District, 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 Special Judge/concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioner shall not tamper with 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 Special Judge/concerned 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 Special Judge/concerned 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/-

23/11/2022

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



TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
SAMBAVARVADAKARAI POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.13698

**ORDER
IN**

CRL OP(MD) No.20716 of 2022
Date :23/11/2022

SJI
SA/VR/SAR.3/30.11.2022/3P/5C