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

Date : 30/11/2022

PRESENT

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

CRL OP (MD) . No.20975 of 2022

Kartheeswari

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Veeruveedu Police Station,
Dindigul District.
(Crime No.193 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Muniyandi 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.193 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 @ Sections 366 of IPC and Sections 5(1), 5(n), 6, 17 of Protection of Child from Sexual Offences Act, in Crime No.193 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 14 years was found missing from the defacto complainant's house. Therefore, he lodged the complaint before the respondent police and the case was registered under girl missing in Crime No.193 of 2022. After enquiry, it reveals that the first accused



loved with the victim girl and thereby, she voluntarily went away from her home. Subsequently, they were recovered and the statement of the victim girl was recorded.

3. The learned counsel for the petitioners would submit that this is the second anticipatory bail application. The victim girl and the first accused were loved each other. When their love matter came to the knowledge of the victim girl's family, they did not accept the love with the first accused. Hence, she voluntarily went away from the parental home and they are performed their marriage. He would further submit that the petitioner is the sister of the first accused and she is innocent and she has not committed any offence as alleged by the prosecution. Hence, she may be granted anticipatory bail.

4. The learned Government Advocate(crl.side) would submit that the victim girl is aged about 14 years. Due to love affair, the victim girl eloped with the first accused. He would further submit that the statement of the victim girl was recorded under Section 164 of Cr.P.C. In this case, twelve witnesses have been examined so far and the investigation is not yet completed. Hence, he opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and considering the statement of the victim girl was recorded under Section 164 of Cr.P.C and also fact that twelve witnesses have already been examined, this Court is inclined to grant bail to the petitioner on certain 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 Fast Track Mahila Court, Dindigul, 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/-

30/11/2022

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/12/2022

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

cp

TO

1. THE JUDGE, FAST TRACK MAHILA COURT,
DINDIGUL.
2. THE INSPECTOR OF POLICE,
VEERUVEEDU POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MUNIYANDI S Advocate SR.No.14035

ORDER

IN

CRL OP(MD) No.20975 of 2022

Date :30/11/2022

SP/SSS/SAR III/15/12/2022/3P/5C