



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2633 of 2023

1. Viji
2. Sagayarani ... Petitioners/Accused Nos.2 & 3

Vs

1. The Inspector of Police,
All Women Police Station Cholachal,
Kanyakumari District
(Crime No.35 of 2022). ... Respondent/Complainant
2. Ravichandran, ... Respondent/Defacto Complainant

For Petitioners : M/s.CENIL.G, Advocate.
For R-1 : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

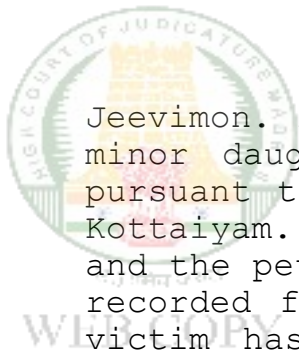
PRAYER :- For Bail in Crime No.35 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested and remanded to judicial custody on 09.01.2023 for the offence punishable under Sections 366(A) of IPC @ 366(A), 366 IPC and Sections 5(1), 6, 9(1), 10, 17 of POCSO Act in Crime No.35 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that his minor daughter aged about 17 years who had gone to college was found missing and based on the complaint a case has been registered. Later it was informed that his daughter was seen going with Jeevimon in his two wheeler, hence the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are none other than the mother and aunt of the first accused



Jeevimon. He would submit that there was a love affair between the minor daughter of the defacto complainant and the first accused pursuant to which they have eloped from their native and stayed at Kottaiyam. He would further submit that the victim has been secured and the petitioners also understand that the statement has also been recorded from the victim under section 164 of Cr.P.C, wherein the victim has not made any allegations against the petitioners. He would further submit that the petitioners are not aware of the love affair between the victim and the first accused and they have been unnecessarily kept in illegal custody, hence, he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the first petitioner is the mother and the second petitioner is the aunt of the first accused and the petitioners have abetted the first accused in kidnapping the victim girl and he had taken her to Trivandrum and A1 had sexually assaulted the victim girl. He would further submit that the victim girl has been secured and the statement of the victim girl has also been recorded under Section 164 of Cr.P.C.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the Special Court for trial of cases under POCSO Act, Kanyakumari District at Nagercoil and on further conditions that:

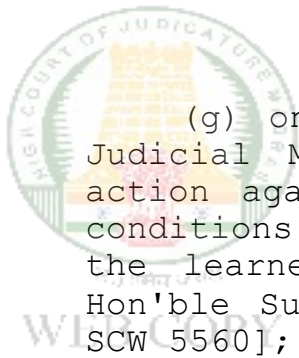
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(g) on breach of any of the aforesaid conditions, the Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/02/2023

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09/02/2023

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

AAV

TO

- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE OFFICER INCHARGE,
SUB JAIL FOR WOMEN, THUCKALAY.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION CHOLACHAL,
KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.CENIL.G Advocate SR.No.2047

ORDER

IN

CRL OP(MD) No.2633 of 2023

Date :09/02/2023

SA/VR/SAR. /09.02.2023/3P/6C