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CRL OP(MD).



23

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

Date : 16/02/2023

PRESENT

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

CRL OP(MD) . No.3077 of 2023

T.Jancy Rani ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Kombai Police Station,
Theni District
(Crime No.118 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Manickam.R,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

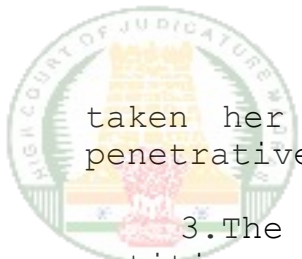
For Anticipatory Bail in Crime No.118 of 2022 on the file of the respondent police.

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 366(A) of I.P.C. @ Sections 5(1) r/w 6 and 17 of POCSO Act, 2012, in Crime No. 118 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Indirani, is that her minor daughter, who was studying 10th standard, was found missing on 22.10.2022 and on the complaint given by her, a case in Crime No.118 of 2022 was registered for the offence under Section 366A of IPC. During the course of investigation, it came to light that the victim was kidnapped by one Kalaiselvan/A1, who had

<https://www.mca.gov.in>



taken her to Kerala and had kept her in a house and had committed penetrative sexual assault on her. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and she has been unnecessarily roped in in this case. He would further submit that the petitioner is residing at Valmedu Colony, Vandanmedu, Pampurara-Post, Idikki District in Kerala State. The said Kalaiselvan/A1 is a relative of the petitioner and he had come to her house along with a girl and the petitioner without knowing the background of the case, had allowed them to stay in her house for one day and later, the said Kalaiselvan had also taken back the girl and gone away. Other than that the petitioner was not aware of anything and now she has been falsely implicated in this case and for giving asylum to the accused and the victim. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is the close relative of the main accused. The main accused had kidnapped the victim girl and had taken her to Kerala, where, he had committed penetrative sexual assault on her. He would further submit that the petitioner given asylum to them. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Special Court for Exclusive Trial of cases under POCSO Act, Theni, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner 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;



[c] the petitioner shall not tamper with evidence or either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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/03/2023

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

SJI

TO

1. The Mahila Special Court for Exclusive Trial of cases under POCSO Act, Theni.
2. The Inspector of Police,
Kombai Police Station, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.3077 of 2023

Date :16/02/2023

VA/BUC/SAR-IV (02/03/2023) 3P 4C