

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.12860 of 2018

ANANDHEESWARI,

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
AWPS KANGEYAM,
TIRUPUR DISTRICT.
CR.NO.1 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.PARAMESWARAN Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the alleged offence punishable u/s.9 and 10 of Child Marriage Restraint Act, 2009 and 5[1][n] read with 6 of POCSO Act 2012, in Crime No.1/2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner, being the mother of A-1, had helped his son in getting married to a girl of aged 14 years due to love affair.

3.The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and he is nothing to do with the alleged offence. It is further submitted that A-1 was already arrested and released on bail and that A1 had married his own sister's daughter aged 14 years due to love affair.

4.Heard the learned Additional Public Prosecutor who would submit that this is the 2nd petition seeking anticipatory bail and the earlier petition was dismissed as withdrawn.

5.In view of the fact that A1, due to love affair, had married a minor girl of 14 years of age and that the said fact is not disputed by the learned Additional Public Prosecutor and further that the petitioner, being the mother of the prime accused, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.1, Tiruppur, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[d] 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]**.

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

-sd/-
30/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS KANGEYAM,
TIRUPUR DISTRICT

+1 CC to M/S.S.PARAMESWARAN Advocate on payment of necessary
charges-Sr.9570

CRL OP.12860/2018

Date :30/05/2018

ths : 31.05.2018