

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7353 of 2019

CHELLAMMAL@CHELLATHAYEE

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
TUTICORIN DISTRICT.
(CRIME NO.05 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.THALAIMUTHARASU Advocate

For Respondent : MR.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused (Rank not Known), apprehending arrest at the hands of the respondent police for the offences punishable under Section 9,10 of Prohibition of Child Marriage Act, 2006 and 6 of POCSO Act, in Crime No.5 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's son and the defacto complainant who aged about 16 years are loved each other, the defacto complainant left from the parental home and both of them married in front of this petitioner. After their marriage there was an misunderstanding between them. Hence, the defacto complainant left the matrimonial home and gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. As per the averments made in the First Information Report, the alleged offence has been committed by the first accused who is the son of the petitioner only after getting the consent from the victim girl. The petitioner is the mother of the person who committed the offence. In the said circumstances, considering the involvement of the petitioner in the alleged occurrence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Further, substantial portion of investigation has been completed. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

6.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 of receipt of a copy of this order, before the learned Judge, Mahila Sessions Court, Tuticorin District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii)the Petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

(iii)the Petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(v)on breach of any of the aforesaid conditions, the 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 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].

sd/-
29/05/2019

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TO

1. THE JUDGE,
MAHILA SESSIONS COURT,
TUTICORIN.

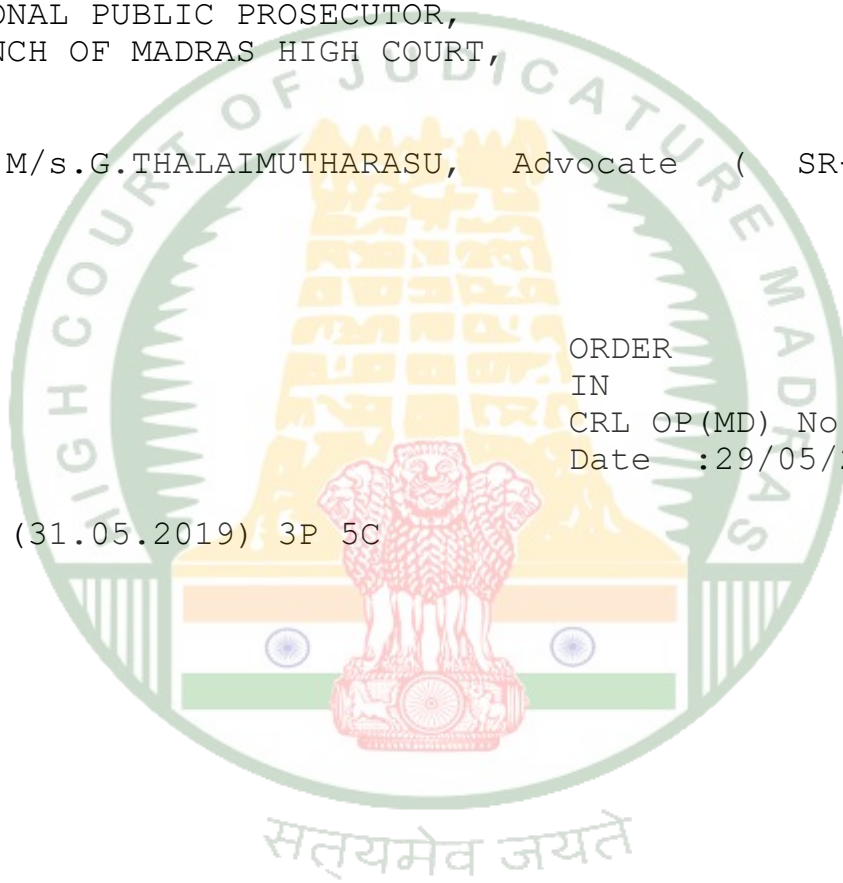
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
TUTICORIN DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-8894[I] dated
30/05/2019)

ORDER
IN
CRL OP(MD) No.7353 of 2019
Date :29/05/2019

TM
AE/VR/SAR-IV (31.05.2019) 3P 5C



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