



WEB COPY

CRL OP(MD).No.10814 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10814 of 2019

Mahesh

... Petitioner/Accused
Rank Not Known

-Vs-

State rep.by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.16 of 2019)

... Respondent/Complainant

For Petitioner : Mr.Chandrasekar, Advocate for
Mr.R.Saravana Kumar, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.16 of 2019 on the file of the Respondent Police.

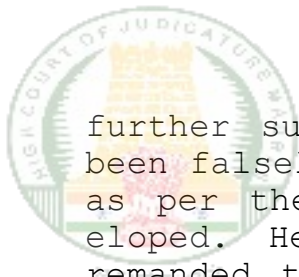
ORDER : The Court Made the following order :-

The Memo dated 19.08.2019 filed by the petitioner is hereby recorded and the Registry shall carry out the necessary amendment.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(i) and 6 of Protection of Children from Sexual Offences Act, 2012, (POCSO Act) and Section 366(A), 493 and 506(i) of IPC @ Section 9, 10 and 11 of Child Marriage Act, in Crime No.16 of 2019, seeks anticipatory bail.

3. Heard both sides.

4.The learned counsel appearing for the petitioner has submitted that the petitioner is the mother of the accused No.1. He
<https://hcservices.ecourts.gov.in/hcservices/>



further submitted that the petitioner is an innocent and she has been falsely implicated in the above case. He further submitted that as per the FIR, the defacto complainant and A1 fell in love and eloped. He further submitted that already A1 was arrested and remanded to judicial custody and subsequently the Sessions Judge, Mahalir Neethimandram, Thoothukudi, has granted bail to A1 on 06.08.2019. He further submitted that the petitioner is in no way connected with the aforesaid crime and therefore, he prayed to grant anticipatory bail to the petitioner.

5.Per contra, the learned Additional Public Prosecutor has submitted that at the time of marriage the victim girl was 17 years old. A1 and the victim girl fell in love and on 20.01.2019, the marriage was performed between A1 and the victim girl in a church with the help of this petitioner and therefore, he strongly opposed this petition. However, he fairly conceded that the respondent police has not seized any material as to whether the said marriage was registered in the said church.

6.Taking into consideration of the fact that the respondent police has not seized any material as to whether the said marriage was registered in the concerned church and also the fact that already the the Sessions Judge, Mahalir Neethimandram, Thoothukudi, has granted bail to A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

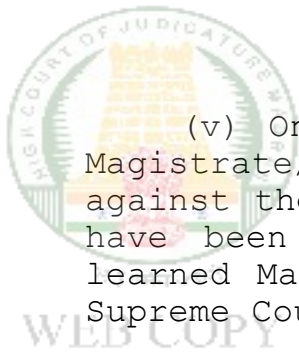
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.



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

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/08/2019

/ TRUE COPY /

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

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.SARAVANA KUMAR, Advocate SR.No.13774

ORDER
IN
CRL OP(MD) No.10814 of 2019
Date :19/08/2019

MS/VR/SAR-3/22.08.2019/3P.5C