

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

Date : 14/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11044 of 2019

Lakshmi

... Petitioner/Accused No.5

Vs

State rep.by

The Inspector of Police,
Bodi Taluk Police Station,
Theni District
(Crime No.382/2019).

... Respondent/Complainant

For Petitioner : M/s.P.Senguttuarasan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.382/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/accused no.5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 9,10 and 11 of Child Marriage Act and 12 of POSCO Act, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and she has been falsely implicated in the above case. He further submitted that the petitioner is aged about 70 years and the only allegation levelled against her is that she attended the marriage between the victim girl and the A6. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the defacto complainant who is the mother of the victim, who is aged about 17 years was married to one Balamurugan with the help of the petitioner and others. Hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also taking into consideration the submission made by the learned counsel for the petitioner that the petitioner is aged about 70 years and the only allegation against her is that she attended the child marriage which took place between A6 and the victim girl and except the said allegation no other allegation has been made against her. Hence this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodi, Theni District 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

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

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

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

sd/-
14/08/2019

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TO

1 THE JUDICIAL MAGISTRATE
BODI

2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

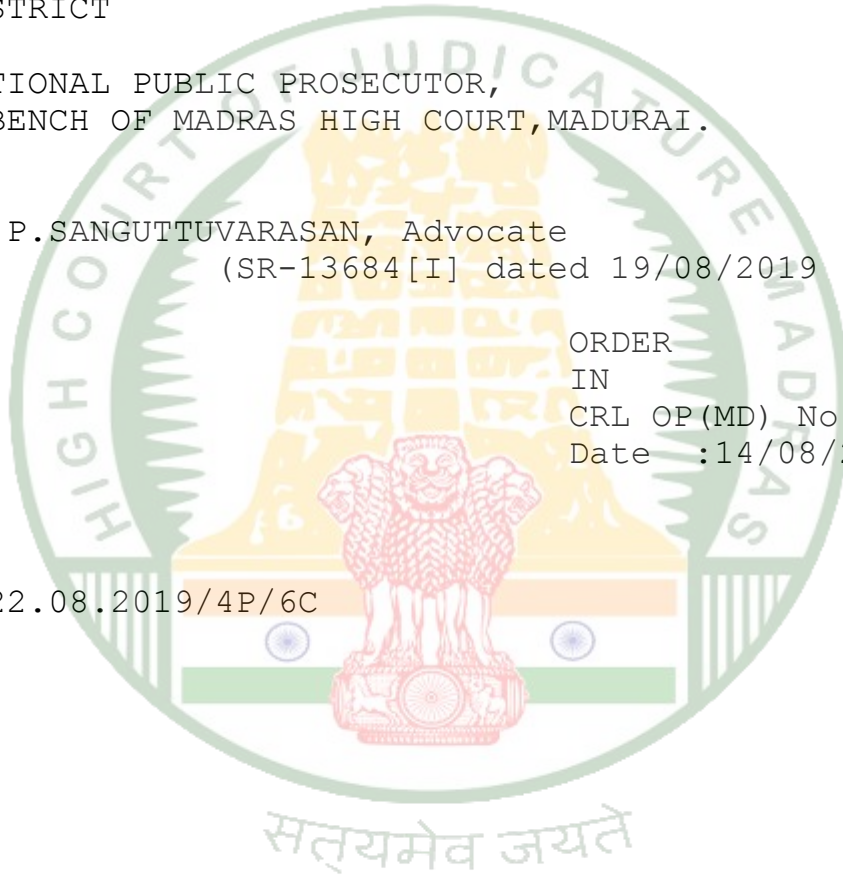
3 THE INSPECTOR OF POLICE
BODI TALUK POLICE STATION,
THENI DISTRICT

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

+1 CC to M/s.P.SANGUTTUVARASAN, Advocate
(SR-13684[I] dated 19/08/2019)

ORDER
IN
CRL OP(MD) No.11044 of 2019
Date :14/08/2019

AAV
ES/PN/SAR 1/22.08.2019/4P/6C



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