



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12063 of 2020

Chellammal ... Petitioner/Accused No.4

Vs

The State rep. by
The Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
Crime No. 441 of 2020.

... Respondent/Complainant

For Petitioner : M/s.A.Arputharaj,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.441 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366(A) of IPC and Section 9 of the Child Marriage Act and Sections 5(1),6 of POCSO Act in crime No.441 of 2020, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that totally there are four accused, in which, the petitioner is arrayed as A4. The first accused fell in love with the minor girl and with the help of the other accused, he got married the victim girl. Now she is 8 months pregnancy.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the first accused was arrested



and released on bail. Insofar as the petitioner is concerned, she is the elder-mother of A1 and she is nothing to do with the alleged occurrence.

5.The learned Government Advocate(Criminal Side) submitted that the investigation is pending.

6.It is seen that there are totally four accused, in which the petitioner is arrayed as A4. Even according to the prosecution, the first accused only fell in love with the victim girl and they got married. The first accused was arrested and released on bail and now the first accused and the victim minor girl are living together happily. Insofar as the petitioner herein is concerned, she only helped first accused to marry the victim girl.

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

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Sivagangai 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)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 as and when required for 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***



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

sd/-
04/11/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT 2012,
SIVAGANGAI DISTRICT.
2. THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12063 of 2020
Date :04/11/2020

GNS
SRS/AKM/SAR-II/18.11.2020/3P/5C