

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI
Crl.O.P.No.9370 of 2021

Ayanar

... Petitioner

Vs.

The State represented by
the Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(Cr. No.5 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of her arrest
in Crime No.5 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.A.Damodaran
Govt. Advocate (Crl.Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
5(1) r/w Section 6 of POCSO Act, 2012, and Sections 9, 10, 11 of
Child Marriage Act, 2006, in Crime No.5 of 2021, on the file of the
respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that A1, Chandrasekar,
married a victim girl, who is aged about 16 years and the petitioner
herein is the mother of the victim girl. Hence, a case was registered
against the petitioner.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and she has been falsely
implicated in this case. Hence, he prays to grant anticipatory bail
to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the
respondent would submit that A1, Chandrasekar, married the victim
girl and the petitioner, who is the mother of the victim girl, and
other accused persons have aided the marriage. He would further
submit that other accused persons except accused No.1, have been
released on bail. He would further submit that there is no previous
case pending against the petitioner. Hence, he would oppose to grant
anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is granted anticipatory bail in the event of her arrest or on her appearance, before the Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) within a period of four weeks from the date of normal functioning of the Court below to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, within a period of one month from the date of normal functioning of the Court below, and 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 appear before the respondent police 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 herself 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/-

26/05/2021

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 SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

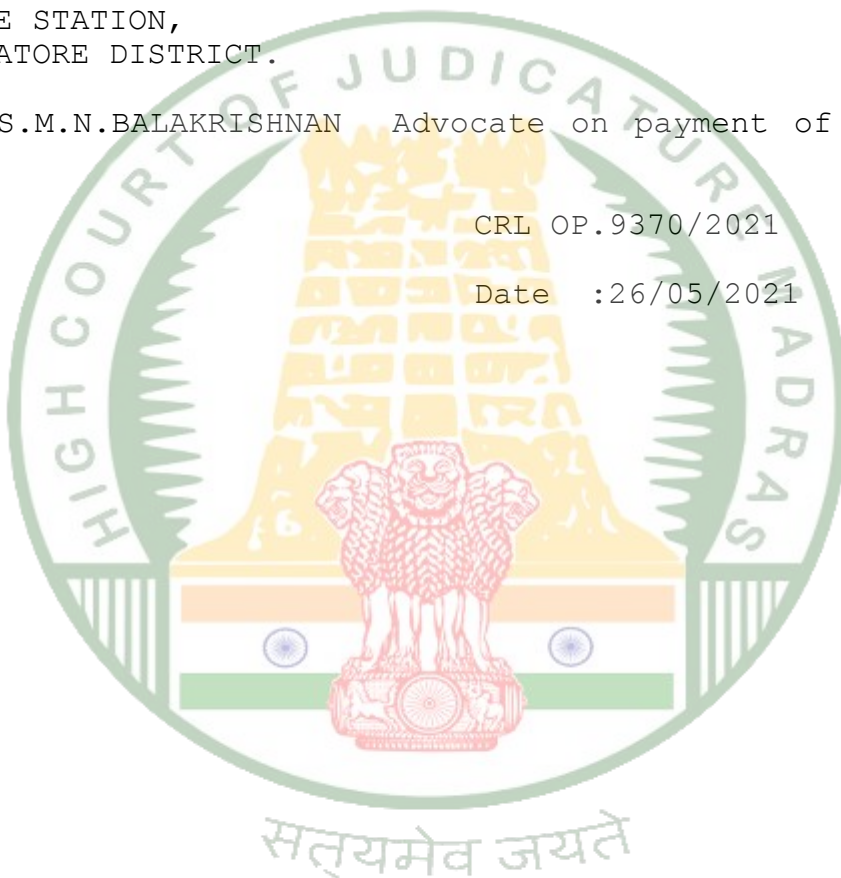
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges

CRL OP.9370/2021

Date :26/05/2021

MK:07/06/2021



WEB COPY