



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18361 of 2021

USHA RANI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHEEPURAM, KANCHEEPURAM DISTRICT.
(CR.NO.8 OF 2021)

[RESPONDENT]

For Petitioner : M/S. G.VINODH KUMAR Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

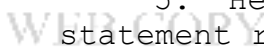
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 363, 366 of IPC, Sections 5, 6 of POCSO Act 2012 and Section 9 of Child Marriage Act 2006 in Crime No.8 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the mother of the victim girl and she had performed marriage of her daughter aged about 16 years with one Kumaresan. Based on the complaint made by the defacto complainant/ District Social Welfare Department, Kancheepuram, the Law Enforcing Agency registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the mother of the victim girl had innocently performed marriage with one Kumaresan. After marriage, they came to know that the said Kumaresan was more than 30 years. Hence, they were separated. He further submits that the co-accused was enlarged on bail by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet in Crl.MP.No.525 of 2021 dated 04.09.2021. Therefore, he prays for grant of anticipatory bail to the petitioner.



5. Heard both sides and perused the records including 164 statement recorded from the victim girl.

6. 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 *learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpet* 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(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 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]*; and;



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

WEB COPY

-sd/-
07/10/2021

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, CHENGALPET.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHEEPURAM,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G.VINODH KUMAR Advocate on payment of necessary charges SR.NO.11227

CRL OP.18361/2021

Date :07/10/2021

CSK 21/10/2021