



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.20656 of 2021

ANJALAI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
W-15 ALL WOMEN POLICE STATION,
ROYAPURAM,
CHENNAI-600 013.
CRIME.NO.10 of 2021.

[RESPONDENT]

For Petitioner : M/S.K.BOMMURAJ Advocate

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

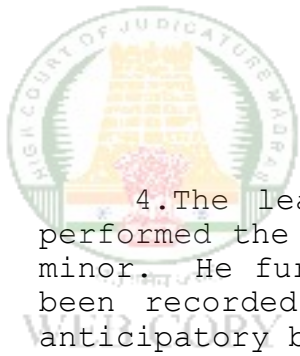
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 5(1), 6, 17, 21(1) of Protection of Children from Sexual Offences Act r/w Section 9 & 10 of Prohibition of Child Marriage Act, 2006 in Crime No.10 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl is the grand-daughter of the de-facto complainant. Due to love affair between the victim girl and the accused A1, there arose a wordy quarrel between the victim girl and the de-facto complainant, thereafter, she eloped with Accused A1 and the petitioner herein performed the marriage of the victim girl with the accused A1. Hence, the law enforcing agency registered against the petitioner and other accused person based on the complaint lodged by the de-facto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further mentioned that the victim girl on her own volition eloped with the accused A1. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate submitted that the petitioner performed the marriage of the accused A1 with the victim girl who is a minor. He further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the petitioner is the mother of the accused A1 and the victim girl on her own volition went along with accused A1 and there is no serious allegation made against the petitioner. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for POCSO Act, Chennai 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)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 tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]; and;



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

-sd/-

02/11/2021

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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 POCSO ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W-15 ALL WOMEN POLICE STATION,
ROYAPURAM, CHENNAI-600 013.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.K.BOMMURAJ Advocate on payment of necessary charges
SR.NO.12473

CRL OP.20656/2021

Date :02/11/2021

INBA-17/11/2021