



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.23338 of 2021

WEB COPY

Rani

... Petitioner

Vs.

The State Represent by  
The Inspector of Police,  
All Women Police Station,  
Thiruvarur, Thiruvarur District.  
Cr.No.11 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.11 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.S.Balaji  
Government Advocate (Crl side)

#### ORDER

The petitioner, who was arrested on 22.09.2021 and remanded to judicial custody for the offence under Sections 6, 5(1) POCSO Act, 2012 and Section 9 and 10 of the Child Marriage Restraint Act, 1929 in Cr.No.11 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.09.2021 at about 15.00 hrs, on Umarani, who is the victim minor girl has lodged a complaint against the 1<sup>st</sup> accused and other including her grandmother / petitioner herein. The defacto complainant aged 17 years, at the instigation of the petitioner herein, got married to the 1<sup>st</sup> accused on 08.09.2021 and after her marriage, the petitioner has demanded money from the 1<sup>st</sup> accused. Therefore, with the help of child helpline, a complaint has been lodged against the accused persons.



3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 22.09.2021. Further the petitioner is suffering with various age related issues, as she is aged about 60 years. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner and the investigation is almost completed.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further considering the age related health ailments suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Fast Track Mahila Court, Thiruvavarur, and on further condition that:

(a) 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 is directed to appear before the respondent police as and when required;

(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 petitioners 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.

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-sd/-  
06/12/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
FAST TRACK MAHILA COURT,  
THIRUVARUR.

2 THE OFFICER INCHARGE,  
SUB JAIL (WOMEN), THIRUVARUR.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THIRUVARUR, THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S. J.JAWAHAR Advocate on payment of necessary charges SR.NO.14161

CRL OP.23338/2021

Date :06/12/2021

MK:07/12/2021