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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23504 of 2021

Thangam

... Petitioner

Versus

State Rep by
Inspector of Police,
AWPS Ennore Police Station.
(Crime No.15 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.15 of 2021 pending investigation on the file of the respondent police.

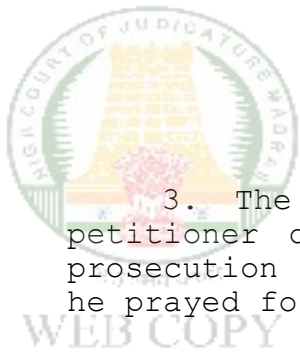
For petitioner : Mr.M.Mohamed Riyas

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 9 and 10 of Prohibition of Child Marriage act 2006 and 5(1), 5(n) and 6 of Protection Child from Sexual offence act 2012 and 506(1) IPC, in Crime No.15 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the mother of A1, who is a handicap working in Electricity Board. It is alleged that the petitioner along with others performed marriage to the victim girl of age about 17 years with A1. It is also alleged that A1 along with other accused harassed the defacto complainant. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned counsel for the petitioner submits that the petitioner did not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that A1 was already arrested. He further submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the petitioner is a mother-in-law of the defacto complainant and there is no specific overt act against the petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate at Thiruvottiyur 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, failing which, the petition for anticipatory bail shall stand dismissed 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 is directed to report before the respondent police as and when required;

[c] the petitioner shall not tamper with the 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 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
07/12/2021

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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS ENNORE POLICE STATION,
MADHAVARAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MOHAMED RIYAS Advocate on payment of necessary charges SR.NO.14185

CRL OP.23504/2021

Date :07/12/2021

RW 14/12/2021