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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24145 of 2021

Ammu ... Petitioner

Versus

State Rep by
Station House Officer,
Avinankudi Police Station,
Cuddalore District.
(Crime No.59 of 2021) ... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of her arrest in Crime No.59 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 366(A). IPC altered into Section 344 IPC and 5(1), 6 of POCSO Act 2012 r/w Section 9 of Prohibition of Child Marriage Act 2006, in Crime No.59 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was love affair between the first accused and the minor victim girl and thereafter, they have eloped and got married. The petitioner is the elder sister of the victim girl.

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

4.The learned Additional Public Prosecutor submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim girl and the victim girl has also been secured. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

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5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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, Cuddalore, Cuddalore District, 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:

(a) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 as and when required for interrogation.

(d) the petitioner should implemented the affidavit shall form part of the order

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(g) 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;

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

-sd/-
14/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR POCSO ACT,
CUDDALORE, CUDDALORE DISTRICT.

2 THE STATION HOUSE OFFICER,
AVINANKUDI POLICE STATION,
CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. KANNAN K. Advocate on payment of necessary charges

CRL OP.24145/2021

Date :14/12/2021

MK:22/12/2021

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