



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.1330 of 2021

A.Maheshwari

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime.No. 340 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.S.Vaigunth,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.340 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6 of the Prevention of Children from Sexual Offences Act, 2012 and Section 9,10 of the Child Marriage Restraint Act in Crime No.340 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons tried to arrange marriage for the victim girl, who is aged about 16 years, with A1. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the mother of the victim and she is an innocent person and she has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that anticipatory bail was granted to the co-accused by this Court in Crl.O.P.(MD)No.1221 of 2021 on 01.02.2021. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that investigation is pending.

5.It is seen that the petitioner is the mother of the victim. The victim girl was in love with one Anadraj. On coming to know about the same, the parents of Anadraj had approached the victim's parents for the marriage, she was decided that the marriage to be held, after the victim completing her studies. Therefore, the victim discontinued her studies and she insisted for marriage with the said Anadraj. The parents of the victim are uneducated person, the victim does not have a Birth Certificate, the age of the victim has been entered in the School records by the School Authorities on their own, according to the parents of the victim, she is a major. The petitioner being the mother had to fulfil the desire and wish of the victim. The victim is happily living with her husband. 164 statement of the victim produced. On perusal of the same, it is seen that there is no force or compulsion exerted by the petitioner in conduct of marriage of the victim and considering the fact that the co-accused was granted anticipatory bail, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners 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 shall appear before the respondent Police as and when required for interrogation;

(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 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;

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

sd/-
02/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI
- 2.THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1330 of 2021
Date :02/02/2021

GNS
PK/JC/SAR-I/24.02.2021 : 3P/4C