



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5347 of 2021

Seethalakshmi

... Petitioner/Accused Rank Not known

Vs

State Rep by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime.No. 91 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Vikram,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

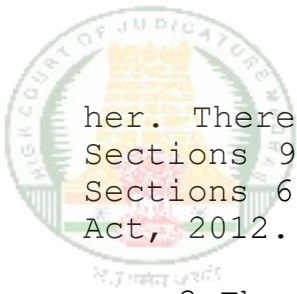
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.91 of 2021 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 alleged offences punishable under Sections 366(A), 376 IPC and Sections 9, 10 of the Prohibition of Child marriage Act, 2006 and Sections 6, 5(1) of the Protection of Children from Sexual Offences Act, 2012 in Crime No.91 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter was aged 13 years and studying 9th standard. She was missing from house on 15.03.2021. She made search, but could not find her. Therefore, complaint was given. Originally case was registered as girl missing, subsequently, case it was found that A1 and victim were in relationship. A1 said to have married the victim in the house of A2. On seeing her daughter with Thali, the defacto complainant fought with A2 and removed thali. On 15.03.2021, A1 and his friends kidnapped the victim and A1 had sexual relationship with



her. Therefore, case was altered into Sections 366(A), 376 IPC and Sections 9, 10 of the Prohibition of Child marriage Act, 2006 and Sections 6, 5(1) of the Protection of Children from Sexual Offences Act, 2012.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has no role whatsoever in the alleged love affair of her son with the victim girl and in their marriage. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He also produced copy of the Section 164 Cr.P.C., statement of the victim girl.

5.It is seen from the statement that marriage between A1 and victim girl had taken place. A1 was arrested and released on bail. This petitioner is a mother of A1. There is no material to show that she was in any way involved in the love affair and the marriage between A1 and the victim girl. Therefore, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Exclusive Trial of Cases under POCSO Act, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 shall report before 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL
OF CASES UNDER POSCO ACT,
TIRUNELVELI.
- 2.THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5347 of 2021
Date :20/07/2021

GNS
RT/JM/SAR-II/26.07.2021/3P/4C