



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

Date : 20/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) No.6714 of 2021

Seethalakshmi ... Petitioner/Accused

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.R.A.Ramachandhran, Advocate
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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 offences punishable under Sections 366(A), 376, IPC, Section 10 of the Prevention of Child Marriage Act and Sections 6 and 5(1) of the Protection of Children from Sexual Offences Act, 2012 in Crime No.91 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on 15.03.2021 at 5.30 P.M., the victim girl was cleaning the front portion of her house and the mother of the victim girl was doing work in inside. When the mother of the victim girl came out, she found that the victim girl was missing and hence a complaint was lodged by one Thangaselvam, uncle of the victim girl. Hence, this case has been registered.

4.The case of the petitioner is that this petitioner is not involved in any offence. Even according to the FIR, the petitioner

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was simply present in the place of the marriage took place between the first accused and the victim girl. Totally there are four accused in this case. A1 and A4 were arrested and A3 was arrested and released on bail by the trial Court and therefore, the learned Counsel for the petitioner prayed that the petitioner may be granted with anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that the victim girl was 13 years old and she was studying 9th standard. She was kidnapped by the accused No.1 and this petitioner being the mother of the accused No.1 has performed the marriage between the victim girl and the accused No.1, which itself is illegal.

6.Considering the facts and circumstances of the case and the fact that the petitioner being the mother of the accused No.1, she was simply present in the place of occurrence and also considering the fact that A3 was released on bail, this Court is inclined to grant anticipatory bail to the petitioner on the following conditions.

7.The petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned learned Sessions Judge, within a period of one month, from the date of resumption of regular work in subordinate Courts, in view of the present pandemic situation and on further conditions 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 shall appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/05/2021

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/ /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,
TIRUNELVLEI.
- 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.6714 of 2021

Date :20/05/2021

DSK

MS/AKM/SAR-3/27.05.2021/3P.4C