



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12924 of 2021

Lakshmi Devi ... Petitioner/Accused No.2

Vs

The state represented by
The Inspector of Police,
All Women Police Station
Thoothukudi
Thoothukudi District
Crime No.31 of 2021 ... Respondent/Complainant

For Petitioner : Mr.C.Suresh Kannan
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act and Section 5(1) r/w 6 of POCSO Act, in Crime No.31 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is the mother of the minor victim girl aged about 17 years, has arranged the marriage for her minor daughter with the first accused who is aged about 21 years. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent, she has not committed any offence as alleged by the prosecution, but she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and 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 Sessions Judge (Special Court for POCSO Act Cases), Thoothukudi, 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 learned Judge concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[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 Judge/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 Judge/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 229-A IPC.

sd/-

08/09/2021

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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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASE,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.SURESH KANNAN, Advocate SR.No.6083

ORDER
IN
CRL OP(MD) No.12924 of 2021
Date :08/09/2021

msa

SS/JC/SAR-II/22.09.2021 : 3P/5C