



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

Date : 09/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17251 of 2021

Marithai @ Mariammal ... Petitioner/ 7th Accused

Vs.

State represented through
The Inspector of Police,
Puliangudi Police Station,
Tenkasi.

Crime No.128 of 2021. ... Respondent/Complainant

For Petitioner : Mr.Shyllappa Kalyan.N,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.128/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.7, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 5(I), 6, 17 of POCSO r/w Sections 9, 10, 11 of Prohibition of Child Marriage Act, in Crime No. 128 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused arranged the marriage of the minor girl with one Singadurai who had already physical relationship with her. The petitioner herein is A7 and she was present at the time of marriage. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and they have not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused arranged the marriage of the minor girl with one Singadurai.



5. Heard the learned counsel on either side.

6. It is not in dispute that the petitioner has already filed a petition in Crl.O.P(MD)No.5275 of 2021, seeking bail and this Court granted bail vide order dated 26.04.2021, by imposing certain conditions. It is also not in dispute that at the instance of the petitioner, in Crl.M.P(MD)No.5263 of 2021, time was extended to comply with the conditions imposed.

7. It is the specific case of the petitioner that when the sureties were furnished, the learned Magistrate observed that the name of the petitioner in FIR is different and refused to accept the sureties. Subsequently, the petitioner has filed an application in Crl.M.P(MD)No.6419 of 2021 to relax the condition and two other petitions in Crl.M.P.(MD)No.7944 and 7945 of 2021 to grant extension of time and to amend the name of the petitioner and both the petitions were dismissed on 06.10.2021, with liberty to file a fresh anticipatory petition. In pursuance of the order passed by this Court, the petitioner has now come forward with the above petition.

8. Considering the facts that the petitioner has already been granted anticipatory bail by this Court on 26.04.2021, that he was unable to furnish the sureties due to Covid-19 pandemic and also the fact that this Court has granted liberty to the petitioner to file fresh application, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or 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 POCD Cases, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 conditions 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 the respondent police daily at 10.30 am for a period of one month and thereafter, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/11/2021

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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 CASES,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
PULIANGUDI POLICE STATION, TENKASI

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SHYLLAPPA KALYAN.N Advocate SR.No.33993

ORDER

IN

CRL OP(MD) No.17251 of 2021

Date : 09/11/2021

das

SS/JM/SAR-I/12.11.2021 : 3P/5C