



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15853 of 2021

Lakshmi

... Petitioner/Accused

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City.
in Crime No.25 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Devasenana.J,
Advocate.

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

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

PRAYER : For Anticipatory Bail in Crime No. 25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as and accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 of Prohibition of Child Marriage Act and under Section 5(i)(6), 17 of POCSO Act, in Crime No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.09.2021, the defacto complainant namely Selvi, who is working as a Welfare Officer received a complaint that the petitioner and her husband have conducted the marriage of the child namely Sophika, who is aged about 17 years with their son. Hence the case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is suffering from cancer and she was treated as inpatient. Hence, he prayed for grant of anticipatory bail to the



4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed this petition on the ground that the investigating is at the preliminary stage and the marriage is conducted only at the instance of the petitioner.

5.Taking into consideration the facts and circumstances of the case and the fact that petitioner is suffering from cancer, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for the Exclusive Trial of the POCSO Act Cases, Sessions Level, Madurai District, 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 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 learned Magistrate 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 as and when required for interrogation;

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

sd/-
12/10/2021

/ 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.

WEB COPY

TO

1. THE SPECIAL JUDGE FOR THE EXCLUSIVE TRIAL OF THE POCSO ACT CASES, SESSIONS LEVEL, MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUPPARANKUNDRAM, MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15853 of 2021
Date :12/10/2021

VSD/CSM
MS/VR/SAR-3/20.10.2021/3P.4C