



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16153 of 2021

Tamilselvi,

... Petitioner/Accused No.2

Vs

State Rep by,
The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
Crime No. 18 of 2021.

... Respondent/Complainant

For Petitioner : MR.S.Vikram, 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.18 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 offence punishable under Sections 9, 10, 11 Prohibition of Child Marriage Act, 2006, 6 & 17 of Protection of Children from Sexual Offence Act [POCSO] 2012, in Crime No.18 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner conducted marriage between the victim girl, who is below 18 years and her own brother namely Rangaraj. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the marriage was arranged only by the parents of the victim girl and she is now living happily with the brother of the petitioner. Therefore, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police produced the 164 Cr.P.C statement of the victim girl, in which, she has stated that she is living with the brother of the petitioner happily and she gave birth to child.

5.Considering the nature of allegation levelled against the petitioner and the statement of the victim girl, 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 Mahila Court, Theni 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 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 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



ssb

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 MAHILA JUDGE,
THENI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16153 of 2021

Date :25/10/2021

MK/JM/SAR-2/29.10.2021/3P/4C