



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.125 of 2022

Thenmozhi

...Petitioner

Versus

State By,
The Inspector of Police
Arni-All Women Police Station,
Arni, Tiruvannamalai District.
(Crime No.17 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest in Crime No.17 of 2021, on the file of the respondent police station.

For Petitioner : Mr.E.Sathiyaraj

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 9 & 10 of Child Marriage Act @ into 376 of I.P.C & Sections 4 & 6 of Protection of Children from Sexual Offence Act, 2012 r/w Sections 9 & 10 of Child Marriage Act in Crime No.17 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a love affair between the petitioner's son and the victim girl. Further, the marriage was conducted by the family members of the victim girl. Based on the complaint was given by the Child protection officer, Tiruvannamalai, a case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she is an innocent and she has been falsely implicated in this case. He further submitted that co-accused had already been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submitted that the statement under Section 164 Cr.P.C., has been recorded from the victim girl and the victim girl has been secured. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no serious allegation made against the petitioner and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Learned Judicial Magistrate, Arni, Thiruvannamalai Distric, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 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/-

06/01/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ARNI, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ARNI ALL WOMEN POLICE STATION,
ARNI, TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges SR.NO.317

CRL OP.125/2022

Date :06/01/2022

INBA-12/01/2022