



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.963 of 2022

Mynavathi

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Tiruchengode
Crime No.38 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest by the respondent police in Cr.No.38 of 2021 on the file of the respondent police.

For petitioner : Mr.W.Camyles Gandhi

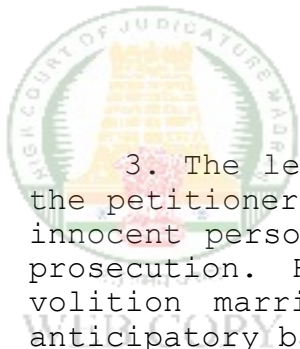
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 366 of IPC & Section 9 of the Prohibition of Child Marriage Act, 2006 and Section 5(I),5(J) (ii) r/w 6, 21(1) of the POCSO Act, 2012, in Crime Number 38 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the Mother-in-law of the victim girl. It is alleged that the victim girl aged about 16 years was married to the petitioner's son and thereafter out of the said wedlock, the victim girl gave birth to a female child on 27.09.2021. Thereafter the petitioner's family threatened and abused her, due to which the victim girl attempted suicide. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is a senior citizen aged about 60 years and she is an innocent person and has not committed any offence as alleged by the prosecution. He further submits that the victim girl on her own volition married the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that A1 and A2 already arrested and still in jail and the investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering that the petitioner is a mother of A1 and there is no specific overt act against her, this Court is inclined to grant anticipatory bail to the petitioner.

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 Mahila-Cum-Fast Track Court, Namakkal 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 has been imposed and the petitioner is 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;

WEB COPY

-sd/-

20/01/2022

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 MAHILA CUM FAST TRACK COURT,
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE, NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.885

CRL OP.963/2022

Date :20/01/2022

CSK 27/01/2022