



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11107 of 2022

1 TAMILSELVI
2 MALLIGA

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
KAMMAPURAM POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.104 OF 2022.

[RESPONDENT]

For Petitioner : M/S.P.THAMIZHENDHI Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

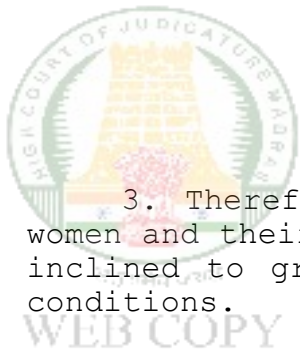
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 366(A) in Crime No.104 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The 1st petitioner is the de facto complainant herein. The petitioners herein are the mother and grand mother of the victim girl. Their apprehension is that the respondent police altered the offence under Sections 366 of IPC, then added Sections 5(i), 6, 17 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, hence they filed anticipatory bail petition.

3. The learned Government Advocate (crl.side) for the respondent submitted that the victim girl is aged 16 years and she was in love with one Vijay. On coming to know about the love affair of the victim girl, the petitioners have arranged for a marriage with one Vinoth Raj and the marriage between them held on 28.10.2021, which is to be called as child marriage and the same is prohibited under law.



3. Therefore, taking note of the fact that the petitioners are women and their custodial interrogation is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate-II, Virudhachalam, on condition that each of the petitioners shall execute a separate bonds 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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 petitioners shall report before the Investigating Officer as and when required;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

11/05/2022

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 JUDICIAL MAGISTRATE,
NO.II, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KAMMAPURAM POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.THAMIZHENDHI Advocate on payment of necessary
charges SR.NO.6982

CRL OP.11107/2022

Date :11/05/2022

JPA 13/05/2022