



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12075 of 2022

P.PAZHANIYAMMAL

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
KAMMAPURAM POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO. 104 OF 2022)

[RESPONDENT]

For Petitioner : M/S. B.HARISH Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366 and 366A of IPC read with 5(1), 6 and 17 of POCSO Act and Sections 9 & 10 of Child Marriage Act in Crime No.104 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the first accused fell in love with the victim minor girl and eloped. Subsequently, they were secured and produced before the parents of the victim. Again, the parents of the victim, arranged the marriage of the victim girl with A2. A3 is the mother of the A1. A4 is the grand father of A2 and the petitioner is the mother of A2. Only on the instigation of the parents of the victim, the petitioner agreed to get married the victim girl to her son viz., A2.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has got nothing to do with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
20/05/2022

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CUDDALORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.P.HARIKRISHNAN Advocate on payment of necessary charges SR.No.7659

CRL OP.12075/2022

Date :20/05/2022

CSK 25/05/2022