



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13767 of 2022

THAMEEM THAHIRA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE

THIRUVANNAMALAI TOWN POLICE STATION,

THIRUVANNAMALAI DISTRICT.

(CRIME NO.3698/2020)

For Petitioner : M/S.V.THIYAGARAJAN 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 for the alleged offence under Section 366(A), 376(1) IPC r/w Section 3(a) r/w Section 4 of POCSO Act 2012 r/w Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.3698 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. There are totally five accused in this case, in which the petitioner is arrayed as accused/A3, who is the sister of A1. The case of the prosecution is that the petitioner is alleged to have helped A1 to get married with the victim girl, who aged about 17 years old. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is alleged to have helped A1 to get married with the victim girl, who aged about 17 years old. The statement of the victim girl has also been recorded under Section 164 Cr.P.C. He further submitted that accused/A1 was arrested and remanded to judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement of the victim under Section 164 Cr.P.C reveals that accused/A1 and the victim girl fell in love and lived together for some period, since there is no specific allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 Fast Track Judge, Mahila Court, Thiruvannamalai, 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.

-sd/-

16/06/2022

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 FAST TRACK JUDGE,
MAHILA COURT, THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S.V.THIYAGARAJAN Advocate on payment of necessary charges

CRL OP.13767/2022

Date :16/06/2022

TA-24/06/2022