



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13408 of 2022

REKHA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ERODE ALL WOMENS POLICE STATION,
ERODE DISTRICT.
(CRIME NO.09 OF 2022)

[RESPONDENT]

For Petitioner : M/S.J.RANJITHKUMAR 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 3 and 4 of the Protection of Children From Sexual Offences Act, 2012 and 9, 10 of Prohibition of Child Marriage Act, 2006**, in Crime No.09 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl is aged about 17 years. The family members of A1 and the mother of the victim girl performed the marriage of the minor victim girl with A1 and subsequently, A1 had sexual intercourse with the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is the sister of A1 and she is no way connected with the alleged offence. He would further submit that the other accused were arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 5 accused in this case and the petitioner who is the sister of A1 is arrayed as A5. He would further submit that the other accused were arrested and released on bail. The statement of the victim girl has been recorded under Section 164 Cr.P.C. However, he opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. shows that all the elders in the family of both the parties have arranged the marriage between A1 and the victim girl. Considering the facts and circumstances of the case, 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 **Magalir Neethi Mandram (Fast Track Mahila Court) Erode**, 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
10/06/2022

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 MAGALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT) ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ERODE ALL WOMENS POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.J.RANJITHKUMAR Advocate on payment of necessary
charges SR.NO.8913

CRL OP.13408/2022

Date :10/06/2022

TA-21/06/2022