



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14591 of 2022

S.SREEJA

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
W-18 ALL WOMEN POLICE STATION,
MKB NAGAR, CHENNAI.
(CR.NO.13 OF 2022)

[RESPONDENT]

For Petitioner : M/S.P.PRINCE PREMKUMAR Advocate

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

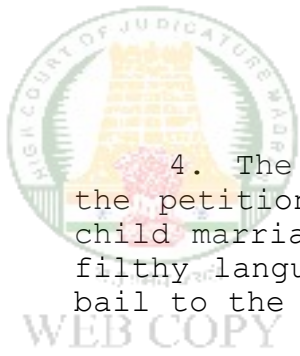
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 294(b), 323 IPC and Section 9 of Prohibition of Child Marriage Act 2006 and Section 6 of Protection of Child from Sexual Offences Act 2012 in Crime No.13 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the Child Welfare Committee lodged a complainant before the respondent police stating that the petitioner along with other accused persons conducted child marriage to the victim girl and abused her in filthy language. Futher, the first accused committed sexual assault against the petitioner . Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Further, he submitted that the petitioner is the mother of A1 and she is no way connected with the alleged offence. Hence, he prays for anticipatory bail.



4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused persons have performed the child marriage to the victim girl and also abused the victim girl in filthy languages. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. It is seen that there are five accused involved in this case in which petitioner arrayed as A5 and she is none other than mother of the victim girl and they have performed the child marriage to the victim girl.

6. Considering the facts and circumstances of the case, the custodial interrogation of the petitioner is not required in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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 appear before the respondent police daily at 10.30 a.m., for a period of four 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/-

24/06/2022

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

2 THE INSPECTOR OF POLICE,
W-18 ALL WOMEN POLICE STATION,
MKB NAGAR, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.PRINCE PREMKUMAR Advocate on payment of necessary charges SR.No.9996

CRL OP.14591/2022

Date :24/06/2022

CSK 04/07/2022