



CrI.O.P.No.29105 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.29105 of 2022

Ambika

... Petitioner

Vs.

State by,
The Inspector of Police,
Pennagaram All Women Police Station,
Dharmapuri District.
Cr. No.11/2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to order the petitioner to be enlarged on bail in Crime No.11 of 2022
on the file of the Inspector of Police, Pennagaram All Women Police Station,
Dharmapuri district pending investigation.

For Petitioner : Mr.R.Lokeshwaran

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



CrI.O.P.No.29105 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.10.2022 for the offences punishable under Sections 9, 11 of Prohibition of Child Marriage Act 2006 and Sections 5(1) and 6 of POCSO Act, 2012 in Crime No.11 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Rural Welfare Officer / District Social Welfare Officer is that on 14.10.2022 she had received an information that a victim child was handed over to the Child Welfare Committee. On enquiry, the minor victim girl had informed that she had married one Madesh aged about 25 years S/o one Ambika/petitioner herein and that they lived together as husband and wife and that the said Madesh had harassed her and thereby she had given the complaint.

3. The learned Counsel for the petitioner would submit that petitioner is the mother of the main accused/A1. He would submit that the



Crl.O.P.No.29105 of 2022

A1 and minor victim girl had fell in love without the knowledge of the petitioner and they were living separately as husband and wife and during such time, there had been some matrimonial dispute between them. Even as per the statement recorded from the minor victim girl in the First Information Report, there is no allegation as against the petitioner and the petitioner has been unnecessarily roped in this case. A1 in this case has been arrested. He would further submit that the petitioner understands that a statement has also been recorded from the minor victim girl and no allegations has been made against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the mother of the main accused/A1, who had married the minor victim girl and had harassed her. He would further submit that the investigation is pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record including the 164 statement recorded from the



Crl.O.P.No.29105 of 2022

victim girl.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the 164 statement recorded from the victim girl, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of **Fast Track Mahila Court, Dharmapuri**, and on further conditions that:

[a] 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 everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;



Crl.O.P.No.29105 of 2022

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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.

01.12.2022

mpl



WEB COPY



Crl.O.P.No.29105 of 2022

A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Fast Track Mahila Court,
Dharmapuri.
2. The Inspector of Police,
Pennagaram All Women Police Station,
Dharmapuri District.
3. Women Sub Jail at Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29105 of 2022

01.12.2022