



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2769 of 2022

Puthiyaval @ Ammukutti

... Petitioner/Accused No.5

Vs.

State rep.by

The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.

(Crime No.128 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Senthil Sankara Natha Kumar,S.
Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.128/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 6 r/w 5(I), 17 of POCSO Act and Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006, in Crime No. 128 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused arranged the marriage of the minor girl with one Singadurai who had already physical relationship with her. The petitioner herein is A5 and she was present at the time of marriage. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) would submit that the petitioner and the other accused arranged the marriage of the minor girl with one Singadurai. He would further submit that the petitioner is the mother of the first accused.

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5. Admittedly, the petitioner/A5, is the mother of the first accused. It is not in dispute that the first accused has already filed a petition in CrI.O.P(MD)No.776 of 2021, seeking bail and the Sessions Court granted bail vide order, dated 05.06.2021, by imposing certain conditions and this Court has granted bail to the third accused and anticipatory bail to the accused Nos.7 and 8.

6. Considering the fact that the investigation has already been completed and also the fact that the co-accused were already released on bail and anticipatory bail, 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 her arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, on condition that the petitioner shall execute 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 the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am for a period of one month 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
09/02/2022

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL SANKARA NATHA KUMA Advocate SR.No.942

ORDER
IN
CRL OP(MD) No.2769 of 2022
Date :09/02/2022