



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3472 of 2022

Thanga Isakki

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.880 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Karthick, R.J. 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.880 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 (3) Cr.P.C altered into Section 306 IPC and 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 and Section 10, 11 of Prohibition of Child Marriage Act, in Cr.No.880 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had married the victim girl in the presence of the victim girl's mother, there was some misunderstanding between the petitioner and his wife, due to which, the victim girl committed suicide. Hence, the defacto complainant, who is the father of the victim girl, has lodged a complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the mother of the victim girl and she has nothing to do with the alleged offence under Section 306 IPC.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the deceased was aged about 15 years at the time of marriage. He would further submit that the Revenue Divisional Officer (RDO), after enquiry, has submitted his report that the dowry harassment was not the reason for the alleged suicide.

5. Considering the nature of the charges levelled against the petitioner and also the fact that the first accused has already granted bail by this Court in CrI.OP(MD)No.2515 of 2022, dated 15.02.2022, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, No.I, Thoothukudi, 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 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.R.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/-
18/02/2022

/ TRUE COPY /

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

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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 JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.3472 of 2022
Date :18/02/2022