



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.05.2022
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9507 of 2022

Pathima Mery

... Petitioner/Accused No.2

Vs

The State rep. by its
The Inspector of Police,
All Women Police Station,
Sivagangai.
(Crime No.26 of 2021).

... Respondent/Complainant

For Petitioner : Mr.JENIFAR BIBIN.R
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM
Additional Public Prosecutor.

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

PRAYER :- For Anticipatory Bail in Crime No.26 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act 2006 and Section 7 r/w 8 of POCSO Act 2012 in Crime No.26 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner performed the marriage between the victim and the first accused on 10.09.2022. At that time, the victim has not attained majority. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that in this case, the accused Nos.1 and 3 were already granted anticipatory bail. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police would state that in this case, investigation has been completed.

5.Taking note of the fact that the Accused Nos.1 and 3 were already granted anticipatory bail and the investigation has been completed, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court (POCSO Cases), Sivagangai, 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 learned Judge 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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 Judge/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 Judge/Trial Court himself, as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

18/05/2022

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

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 SPECIAL JUDGE
(POCSO CASES), SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JENIFAR BIBIN.R Advocate SR.No.4956

ORDER

IN

CRL OP(MD) No.9507 of 2022

Date :18/05/2022

SA/PN/SAR.4/23.05.2022/3P/5C