



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/05/2022

PRESENT

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

CRL OP(MD). No.9608 of 2022

Pothumani

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
All Woman Police Station,
Thirumangalam,
Madurai District.
(Crime No.13/2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, 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.13/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 of Child Marriage Act, 2006 and 5(1), 5(j)(ii) & 6 of POCSO Act, 2012, in Crime No.13 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Legal Probation Officer in District Child Protect Unit, Madurai. On 30.04.2022, he received an information over phone from the Government Hospital that the victim girl namely Mariselvi, who is aged about 15 years, gave birth to a girl baby. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that the petitioner is the mother of the victim girl and the main accused, who is the husband of the victim girl, was arrested and released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is almost



5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner and that **(*) the main accused has already been arrested**, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Session Judge Special Court for the Exclusive Trial of POCSO Act Cases, Madurai, 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 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 Aadhaar 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 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 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]**.

Sd/-
19/05/2022

(*)FOR BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 15/06/2022 IN CRL OP(MD) NO. 9608 OF 2022 BY KMSJ.

TIME IS EXTENDED FOR FURTHER TEN DAYS FOR EXECUTING SURITIES, FROM THE DATE OF RECEIPT OF A COPY OF THE AMENDED ORDER.

/ TRUE COPY /

/ /2022

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



ssb/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

TO BE SUBSTITUTED WITH THE ORDER DATED 19/05/2022 ALREADY DESPATCHED.

1. THE SESSION JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF
POCSO ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SUSI KUMAR C Advocate SR.No.4904

ORDER
IN
CRL OP(MD) No.9608 of 2022
Date :19/05/2022

SP/VR/SAR IV/24/05/2022/3P/5C
SJI
PKP/JM/SAR-4/20.06.2022/3P/5C