



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17414 of 2022

Chinnaponnu

... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
Sanarpatti Police Station,
Dindigul District.
Crime No. 247 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Manikandan.P,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

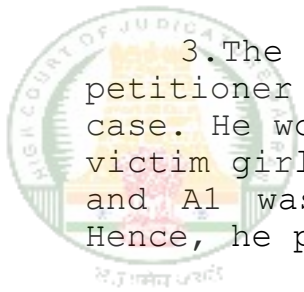
PRAYER :-

For Anticipatory Bail in Crime No.247 of 2022 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 Sections 9,
11 of Prohibition of Child Marriage Act, 2006 and Section 5(I),
5(n), 5(j)(ii), 6 of Protection of Child from Sexual Offences Act,
2012, in Cr.No.247 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl was aged
about 17 years at the time of occurrence. The marriage was performed
with the first accused on 09.09.2021 with the consent of both the
parents. Due to pregnancy, when she was admitted in the hospital, it
was found that on the date of marriage, she was minor and the
information was sent to the Social Welfare Department, Dindigul.
Based upon that, case has been registered against the accused
persons.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that now, a male child was born to the victim girl on 09.09.2022. The petitioner herein is the mother of A1 and A1 was already granted bail by the Mahila Court, Dindigul. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the victim girl is aged about 17 years and A1 is aged about 35 years. A2 already filed anticipatory bail application before this Court and it is pending. 6 witnesses have been examined and 164 statement of the victim girl was recorded. A1 was already released on bail by the Mahila Court, Dindigul. But, however, the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that 6 witnesses have been examined, 164 statement of the victim girl was recorded and co-accused was released on bail, 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 his 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.III, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Samayanallur Police Station daily at 10.30 am until further orders.

(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**



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



sd/-
02/11/2022

/ TRUE COPY /

WEB COPY

/11/2022
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 JUDICIAL MAGISTRATE NO.III,
DINDIGUL
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL
DISTRICT.
- 3.THE INSPECTOR OF POLICE
SANARPATTI POLICE STATION, DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17414 of 2022
Date :02/11/2022

MGJ/VR/SAR 1(10.11.2022) 3P 5C