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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

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

CRL OP (MD) . No.20291 of 2022

Chandra

... Petitioner/Accused-2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Valliyur.
(Crime No.16 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ramakrishna Dass N S, Advocate.

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

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

PRAYER :-

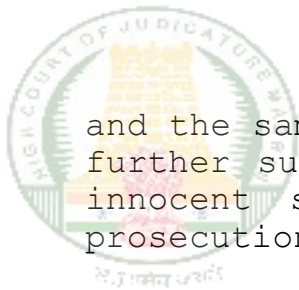
For Anticipatory Bail in Crime No.16/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9(1) and 10 of POCSO Act, Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Cr.No.16 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to love affair, the victim, who was aged about 16 years eloped with A1 and he had sexual relationship with the victim. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner along with A1 have already filed a petition before this Court in Crl.O.P.(MD)No.15122 of 2022 seeking for anticipatory bail



and the same was dismissed by this Court, dated 23.09.2022. He would further submit that the petitioner is the mother of A1 and she is innocent she has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) strongly opposed this petition stating that there are two accused involved in this case and the petitioner is arrayed as A2 and she is the mother of A1. A1 was already arrested and still in judicial custody. He would further submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 23.09.2022. The statement of the victim girl was already recorded under Section 164 of Cr.P.C and eight witnesses have been examined.

5. Considering the facts and circumstances of the case and also considering the fact that eight witnesses have been examined so far, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyur, 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 respondent police 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 5560]**; and;



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

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Sd/-
17/11/2022

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLIYUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMAKRISHNA DASS N S Advocate SR.No.13277

ORDER
IN
CRL OP(MD) No.20291 of 2022
Date :17/11/2022

SP/SSS/SAR II/25/11/2022/3P/6C