



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20665 of 2022

Chitra

... Petitioner/8th Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Maanamadurai,
Sivagangai District.
(Crime No.30/2022).

... Respondent/Complainant

For Petitioner : M/s.Chellapandian M
Advocate

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

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

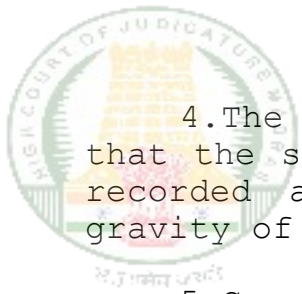
PRAYER :- ForAnticipatory Bail in Cr.No.30/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 5(j)(ii) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 and 10 of the Prohibition of Child Marriage Act in Crime No.30 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the victim was married one Selvanathan. At the time of marriage, the victim is aged about 16 years. Since then they are living husband and wife. Due to which, the victim girl got pregnant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the mother in law of the victim and she is innocent and she has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioner.



4.The learned Government Advocate (criminal side) stated that the statement under Section 164 Cr.P.C. of the victim girl is recorded and 4 witnesses have been examined. Considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the fact that 164 statement is recorded and four witnesses have been examined and considering the fact that the petitioner is only mother in law of the victim girl, this Court is inclined to grant anticipatory bail to the petitioner on 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 Sessions Judge, Special Court, POCSO Act Case, Sivagangai, 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 Court 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 Special court/concerned court 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.

(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 Special Court/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 Special Court/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.

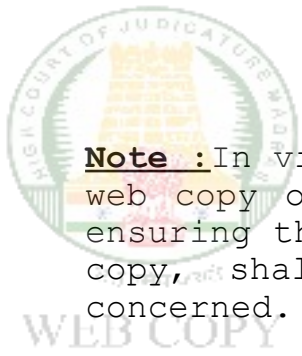
sd/-

29/11/2022

/ TRUE COPY /

05/12/2022

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 SESSIONS JUDGE,
SPECIAL COURT, POCSO ACT CASE,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAANAMADURAI,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.POORNACHANDRAN, Advocate SR.No.14024

ORDER

IN

CRL OP(MD) No.20665 of 2022

Date :29/11/2022

skn

SA/VR/SAR.2/05.12.2022/3P/5C