



Crl.O.P.No.9052 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under **Section 305 IPC, Section 5(1) read with 6 of POCSO Act and Sections 9, 10 of Prohibition of Child Marriage Act**, in Crime No.93 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/SV Ravichandran is that he is the 184th Ward Councillor of Tirumalai Nagar, Chennai -96 and he had received an information that a minor girl who is the daughter of one Elumalai was found dead in a suspicious manner. On enquiry, it came to light that the victim was a minor girl and that her family had performed her marriage with A1 and after the marriage, when the victim and A1 were living as husband and wife, the victim committed suicide by hanging. The allegation against the accused is that knowing very well that the victim was a minor, they performed the marriage of the victim with A1 and after marriage, committed cruelty on her. Hence the complaint.

3. The learned counsel appearing for the petitioner would



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submit that the petitioner who is the mother-in-law of the victim is an innocent and she has been falsely implicated in this case. He would further submit the marriage between A1 and the victim is an arranged marriage. The parents of the victim had arranged the marriage without disclosing the fact that the victim was a minor. Later only, they came to know that the victim was forced by her parents for the marriage and that the petitioner and her family members never harassed or ill treated the victim as alleged by the prosecution. He further submitted that A1 and A2/the husband and father-in-law of the victim, were arrested and subsequently, released on bail by this Court in Crl.O.P.No.8621 of 2023 by order dated 21.04.2023. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the the petitioner along with other accused, performed child marriage of the deceased with A1, without her consent, due to which, she committed suicide by hanging. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 on which the order copy made ready, before **the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu**, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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