



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4440 of 2023

V.Muniswari,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Veerapandi Police Station,
Theni District.
Cr.No.234/2022.

... Respondent/Complainant

For Petitioner : M/s.Soundararaj.A, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 234/2022 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 of Child Marriage Act r/w.366 IPC r/w.5(1),6(1),19 and 21(1) of POCSO Act in Crime No. 234 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was in love with the first accused and when the same was objected by her parents she eloped from the house and stayed somewhere and when they came for temple festival they were secured and on the basis of the complaint given by the Social Welfare Officer the present case has been registered.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner herein is the mother of the victim and she has nothing to do with the alleged crime. Further there was love affair between the first accused and victim and on their own they left the home. Further A1 in this case was arrested and released on bail, taking into consideration of the facts and circumstances this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 Mahila Court, Theni 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:

[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 respond to police as and when required for interrogation.

[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.

sd/-

09/03/2023

/ TRUE COPY /

/03/2023

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



1 THE MAHILA JUDGE,
THENI.

2 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SOUNDARARAJ.A Advocate SR.No.14010 (F)

ORDER

IN

CRL OP(MD) No.4440 of 2023

Date :09/03/2023

PKP/SBN/SAR-1/16.03.2023/ **3P/5C**