



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/04/2023
PRESENT

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

CRL OP(MD) . No.6670 of 2023

Kasi

... Petitioner/Accused 2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
(Crime No.02/2023).

... Respondent/Complainant

For Petitioner : M/s.Sarvagan Prabhu.S,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.02/2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 9 and 11 of Prohibition of Child Marriage Act and Sections 5(1), (j) r/w 6 of POCSO Act in Crime No.02 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the second accused, who is the mother of the victim aged 17 years, has performed child marriage with the first accused. Hence, the complaint.

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

4. It is seen the petitioner is the mother of the victim. The first accused in this case was arrested and remanded to judicial custody, therefore custodial interrogation of the petitioner does not required, hence 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Fast Track Mahila Court, 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 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 report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter 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/-
12/04/2023

/ TRUE COPY /

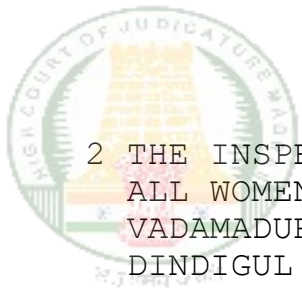
/04/2023

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

AAV
TO

1 THE JUDGE,
FAST TRACK MAHILA COURT,
DINDIGUL DISTRICT.

<https://www.mca21.org/>



2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.

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

+1. CC to M/S.SARVAGAN PRABHU.S Advocate SR.No.5745

ORDER

IN

CRL OP(MD) No.6670 of 2023

Date :12/04/2023

SA/VR/SAR.4/19.04.2023/3P/5C