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CRL OP. 30906 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP. 30906 of 2024

THAMEEM THAHIRA ALAIS THAMIMANSARI
W /O. KALEF, NO.148/29, JANNATH NAGAR,
AVALURPET ROAD, THIRUVANAMALAI

PETITIONER

VS

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUVANAMALAI TOWN POLICE STATION,
THIRUVANAMALAI DISTRICT. (CRIME NO. 3698
OF 2020)

RESPONDENT

For Petitioner(s):

MR. MUTHAMIZH SELVAKUMAR P

For Respondent:

MR. S. SANTHOSH, ADVOCATE (CRL. SIDE)



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ORDER

The petitioner who apprehends arrest pursuant to the Non Bailable Warrant dated 14.08.2024 in Spl. S.C. No.126/2022, on the file of the learned Sessions Judge, Magalir Neethi Mandram, Thiruvannamalai, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is the third accused in Crime No.3698 of 2020 registered by the respondent police for the offences punishable under Sections 366(A), 376(1) of IPC r/w Section 3(a) r/w Section 4 of POCSO Act r/w Section 9 of Prohibition of Child Marriage Act 2006. The petitioner was granted anticipatory bail and subsequently, the respondent filed a final report and the case has been taken on file in Spl. S.C. No.126/2022 on the file of the learned Sessions Judge, Magalir Neethi Mandram, Thiruvannamalai. However, without the summons being served, the trial court had issued non bailable warrant of arrest against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be



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imposed by this court and to cooperate for speedy disposal of the trial.

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3. The learned Government Advocate would submit that since the petitioner did not appear before the trial court on 14.08.2024, a non bailable warrant of arrest was issued against him. He would further submit that the petitioner was not served with summons.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, she 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 of receipt of a copy of this order, before the learned **Sessions Judge, Magalir Neethi Mandram, Thiruvannamalai District**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 said Sessions Judge, on further condition that:



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[a] if the petitioner fails to surrender before the said Court within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall report before the concerned court on all working days at 10.30 a.m, for a period of two weeks and thereafter on the dates fixed by the trial court.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

11.12.2024

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To

1. THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT. (CRIME NO. 3698
OF 2020)

2. THE SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM,
THIRUVANNAMALAI DISTRICT



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A.D.JAGADISH CHANDIRA, J.

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