



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4492 of 2018

K.SATHISKUMAR

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI DISTRICT, CRIME NO.6 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIYAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

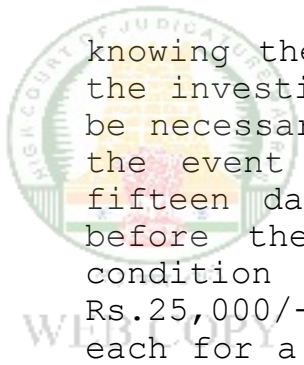
The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 9,10,11 of Child Marriage Act and Section 5(i) & 6 of POCSO Act, in Crime No.06 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein married the minor girl, aged about 16-1/2 years, for which, this case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner herein married the minor girl, aged about 16-1/2 years, for which, this case has been registered. According to the case of the petitioner, the said marriage was arranged by the parents of the minor girl. As of now, the girl was secured. More over, the petitioner and the minor girl are close relatives and the marriage was registered as per the customs prevailing in the family of the petitioner. So, considering the facts and circumstances of the case, it shows that the alleged occurrence was happened without



knowing the law prevailing in the State. So, in order to complete the investigation, custodial interrogation of the petitioner may not be necessary. Accordingly, he 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 of receipt of a copy of this order, before the learned District Mahila Judge, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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].

sd/-
22/03/2018

/ TRUE COPY /

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

TO

1 THE DISTRICT MAHILA JUDGE, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.4612.

ORDER
IN
CRL OP(MD) No.4492 of 2018
Date :22/03/2018