



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

Friday, the Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21715 of 2018

M. SURENDAR

... PETITIONER / ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
TUTICORIN DISTRICT.
Crime No.22 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.KA.RAAMAKRISHINAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 9 of POCSO Act @ 5(1) r/w. 6 of POCSO Act in Cr.No.22 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the alleged victim are said to have love with each other and after coming to know about this both the parents of the victim and the petitioner arranged marriage at Tiruchendur temple and marriage had been performed there. In the meanwhile the Social Welfare Officer lodged a complaint before the Kurumbur Police Station stating that the victim was the minor child and marriage was taken place. Pursuant to the above complaint Inspector of Police, Kurumbur Police Station enquired both the petitioner and victim and being satisfied with the genuineness of marriage and the case was forwarded to the Inspector of Police, All Women Police Station, Kurumbur who had registered the case, pursuant to the registration of the case the victim was produced before the learned Judicial Magistrate, Srivaikundam on 16.11.2018. On perusal of the records it is seen that the date of birth of the victim is 06.05.2000 as per her school



certificate and since there seems discrepony regarding age, this case has been foisted.

3. The learned counsel for the petitioner would submit that petitioner is innocent and he has been falsely implicated in this case and the marriage has been taken place by the blessings of both the parents.

4. The learned Government Advocate(Crl.Side) would submit that investigation in this case is almost over.

5. Taking into consideration the facts of the case and the submissions by learned counsels ,this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate , Srivikundam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/12/2018

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE,
SRIVIKUNDAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
TUTICORIN DISTRICT.

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

+1. CC to Mr.KA.RAAMAKRISHINAN Advocate SR.No.22912

ORDER
IN
CRL OP(MD) No.21715 of 2018
Date :07/12/2018

TK/PN.AC/SAR.2/13.12.2018/3P/6C