



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1230 of 2019

RAJESH

... PETITIONER / ACCUSED No. 3

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR
VIRUDHUNAGAR DISTRICT
(CRIME NO.11/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHI BASU Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

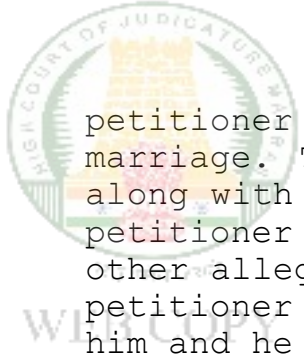
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 353, 468 and 471 IPC and Section 5 (1) 6 of Protection of Children from Sexual Offences Act, 2012 r/w Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, in Cr.No.11 of 2018 seeks anticipatory bail.

2.The petitioner is A2 in this case. The case of the prosecution is that the defacto complainant is the father of the victim girl and he had given a complaint stating that his daughter is minor working in garment factory and she had eloped with the driver, who is working in the same factory. They had got married in Pillaiyar Temple, Virudhunagar. Thereafter, they made some corrections in the birth certificate as if the date of birth of the victim girl is of the year 2001 instead of the year 2000 and produced the same before the respondent police. They also made a representation before the police station that both of them are major and they got married. There are totally six accused in this case.

3.The contention of the petitioner is that the petitioner is the friend of A2, who had married the victim girl, who is minor aged about 17 years 3 months 3 days. The only allegation against the



petitioner is that the petitioner had participated in their marriage. Thereafter, he had appeared before the respondent police along with A2 and the victim. The statement given by A2 is that the petitioner has signed as witness. Other than that, there is no other allegation against the petitioner. The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence.

4. The learned Government Advocate (crl. Side) would submit that the victim has been examined and she had not spoken anything with regard to the petitioner. The correction has been made in the birth certificate as if the date of birth of the victim girl is of the year 2001 instead of the year 2000.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Fast Track Mahila Court, Srivilliputtur, 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 said Magistrate, on further conditions that:

[a] if the petitioner fails 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 daily at 10.30 a.m., for a period of two weeks 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 229-A IPC.

sd/-
28/01/2019

/ TRUE COPY /



TO

1 THE FAST TRACK MAHILA COURT
SRIVILLIPUTHUR

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to MR.M.JOTHI BASU Advocate SR.No.1596

ORDER

IN

CRL OP(MD) No.1230 of 2019

Date :28/01/2019

MSI/VR/SAR-I/01.02.2019-3P/5C