



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

Date : 29/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9888 of 2019

Rajkumar

... Petitioner/Petitioner/
Accused No.1

Vs

The State rep by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
Crime No.155 of 2019.

...Respondent/Respondent/
Complainant

For Petitioner : M/s.J.Lawrance, Advocate.

For Respondent : Mr.V.Neelakandan, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 155 of 2019 on the file of the Respondent Police.

ORDER:

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act and Section 12 r/w/ 17 of the Protection of Children from Sexual Offences Act, in Crime No.155 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the petitioner has not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that there are totally five accused involved in this case, the petitioner herein is arrayed as A1. The victim girl is aged about 17 years. Even though the victim girl has expressed her consent for marriage, it is the duty of the petitioner to verify her age. Hence, he



strongly opposed this petition.

5. In the statement recorded under Section 164 Cr.P.C., the victim girl has not stated that she was subjected to any sexual abuse by the petitioner herein and the Medical report also stated that the said victim girl was not subjected to any sexual abuse.

6. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 learned Additional Sessions Judge (Mahila Court), Theni 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

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

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/07/2019

/ TRUE COPY /



TO

1. THE ADDITIONAL SESSIONS JUDGE
(MAHILA COURT), THENI.

2. THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr. J. LAWRENCE Advocate SR.No.12548

ORDER

IN

CRL OP (MD) No.9888 of 2019

Date : 29/07/2019

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TK/VR/SAR.4/05.08.2019/3P/5C