



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10805 of 2019

Anthony

... Petitioner/Accused
Rank Not Known

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.
Crime No.16 of 2019

... Respondent/Complainant

For Petitioner : Mr.Chandrasekaran, Advocate for
M/s.R.Saravana Kumar, 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.16 of 2019 on the file of the
Respondent Police

ORDER : The Court Made the following order :-

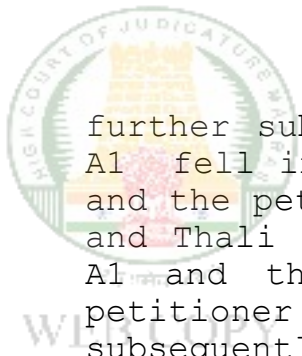
The Memo dated 19.08.2019 filed by the petitioner is hereby
recorded and the Registry shall carry out the necessary amendment.

2.The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 5(i)
and 6 of Protection of Children from Sexual Offences Act, 2012,
(POCSO Act) and Section 366(A), 493 and 506(i) of IPC @ Section 9,
10 and 11 of Child Marriage Act, in Crime No.16 of 2019, seeks
anticipatory bail.

3. Heard both sides.

4.The learned counsel appearing for the petitioner has
submitted that the petitioner is working as pastor in a Church. He

<https://hcservices.ecourts.gov.in/hcservices/>



further submitted that as per the FIR, the defacto complainant and A1 fell in love and eloped. On 20.01.2019, they went to the church and the petitioner herein performed the marriage by exchanging Bible and Thali also tied by A1. He further submitted that since already A1 and the victim girl eloped and the allegation against the petitioner that he performed marriage by exchanging Bible and subsequently, A1 tied Thali is highly unbelievable. He further submitted that already A1 was arrested and remanded to judicial custody and subsequently the Sessions Judge, Mahalir Neethimandram, Thoothukudi, has granted bail to A1 on 06.08.2019. He further submitted that the petitioner is in no way connected with the aforesaid crime and therefore, he prayed to grant anticipatory bail to the petitioner.

5.Per contra, the learned Additional Public Prosecutor has submitted that at the time of marriage the victim girl was 17 years old. A1 and the victim girl were fell in love and on 20.01.2019, the petitioner herein performed the marriage between A1 and victim girl by exchanging Bible and subsequently, A1 has tied Thali and therefore, he strongly opposed this petition. However, he fairly conceded that the respondent police has not seized any material as to whether the said marriage was registered in the said church.

6.Taking into consideration of the fact that the respondent police has not seized any material as to whether the said marriage was registered in the concerned church and also the allegation made in the complaint at one place it is stated that the petitioner performed the marriage by exchanging Bible and subsequently it has been stated that A1 has tied Thali and also the fact that already the Sessions Judge, Mahalir Neethimandram, Thoothukudi, has granted bail to A1, 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 Mahila Court, Thoothukudi, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
19/08/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
MAHILA COURT, THOOTHUKUDI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

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

+1. CC to Mr.R.SARAVANA KUMAR Advocate SR.No.13773

ORDER
IN
CRL OP(MD) No.10805 of 2019
Date :19/08/2019

vsg
TK/VR/SAR.3/28.08.2019/3P/5C