



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

Date : 16/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.12766 of 2019

M.Suresh Kumar

... Petitioner/Accused Rank A1

Vs

State rep.by.,
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.

(Crime No. 14 of 2019).

... Respondent/Complainant

For Petitioner : M/s. An. Ramanathan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

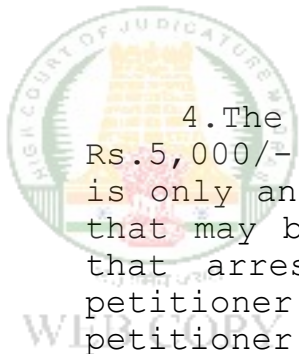
For Anticipatory Bail in Crime No. 14 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6 and 17 of Protection of Child from Sexual Offences Act 2012, Sections 9 and 10 of Child Marriage Restraint Act 1929 and Section 294(b) of IPC, in Crime No.14 of 2019, on the file of the respondent police, seeks anticipatory bail.

3.The petitioner had got married to the de-facto complainant, after she conceived. The child that was born also died. It appears that during the occurrence time, the petitioner was a minor. He continues to be minor even as on date. The relationship between them appears to be rather consensual. There is also considerable delay in lodging the complaint.



4.The petitioner through his counsel undertakes to pay a sum of Rs.5,000/- as monthly maintenance to the de-facto complainant. This is only an interim arrangement and it will abide by the final order that may be passed by the Jurisdictional Court. I am of the view that arresting the petitioner will not serve any purpose. The petitioner's liability will commence from this month onwards. The petitioner shall get the bank account details of the de-facto complainant and deposit to the monthly maintenance amount in the said account.

5.Recording the said undertaking given by the petitioner's counsel, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Mahila Fast Track Court, Theni, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
16/09/2019

/ TRUE COPY /

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

TO

1.THE MAHILA FAST TRACK JUDGE, THENI

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.

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

+1. CC to M/S. AN. RAMANATHAN Advocate SR.No.15551

ORDER IN
CRL OP(MD) No.12766 of 2019
Date :16/09/2019

SJI
PK/SK/SAR-1/24.09.2019 : 2P/5C

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