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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2021

PRESENT

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

CRL OP(MD) . No.2259 of 2020

Rajadurai

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
(Crime No.27/2019).

... Respondent/Complainant

For Petitioner : M/s.C.Vakeeswaran, Advocate.

For Respondent : M/s.Antony Sahaya Prabhakar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27/2019 on the file of the Respondent Police.

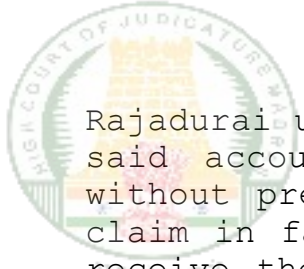
ORDER : The Court made the following order :-

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 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 and Sections 323 and 366 of I.P.C. in Crime No.27 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The victim as well as the main accused Rajadurai are present before me today. Rajadurai undertakes to deposit a sum of Rs.5,000/- in the bank account of the complainant. The victim gave the following account details:-

Bank : Indian Bank, Theni,
(Branch No.239)
Account No. : 7053631503
IFSC Code : IDIB 000T015



Rajadurai undertakes to remit a sum of Rs.5,000/- every month to the said account towards the maintenance of the child KR. This is without prejudice to the rights which the victim may independently claim in favour of the child. Since the victim has come forward to receive the said amount towards maintenance of the child and since the main accused Rajadurai has agreed to pay the maintenance amount, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Further, arrest or custodial interrogation of the accused is not going to serve any purpose.

4. Recording the said undertaking, 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 Judicial Magistrate, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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]**;

Sd/-
17/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
THENI.
2. -DO- THRO THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2259 of 2020
Date :17/09/2021

SP/JM/SAR I/27/09/2021/3P/5C