



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2020

PRESENT

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The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.6237 of 2020

Vennilingam .. Petitioner/Accused Sole

Vs

State rep by

The Sub Inspector of Police,

All Women Police Station,

Senkottai.

Cr.No.9 of 2020

.. Respondent/Complainant

For Petitioner : M/s.B.Babu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

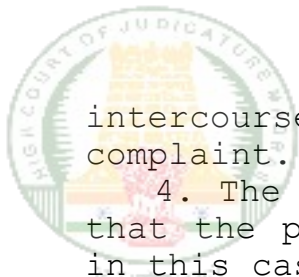
To enlarge the petitioner on bail in the event of his arrest pending investigation in respect of Cr.no.9 of 2020 on the file of the respondent.

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 376 of I.P.C., and Section 6 r/w 5(i)(J)(ii) of Protection of Children from Sexual Offence Act, 2012 and Section 9 of Child Marriage Act in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 01.06.2020, as per the information received by the Sub Inspector of Police, Senkottai, she enquired the de facto complainant, who was admitted in the Government hospital, Tenkasi for her pregnancy. Further it is stated that the de facto complainant loved the petitioner and upon relying the words of the petitioner, the de facto complainant married the petitioner on 06.06.2019 and the petitioner forcefully had sexual



intercourse with her on the day of marriage itself. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5. The learned Government Advocate (crl. Side) appearing for the State would submit that both the petitioner and the de facto complainant got married and now they are living together under the same roof.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] The petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Sessions Judge, Mahila Court, Thirunelveli 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;

[b] The petitioner shall appear before the respondent police as and when required for interrogation;

[c] 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]***;

[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC; and

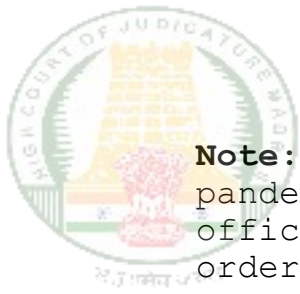
[e] The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. 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/-
15/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
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 utilised 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 SESSION JUDGE
MAHILA COURT,
THIRUNELVELI.
- 2 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SENKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSEUCTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6237 of 2020
Date :15/06/2020

PD/VR/SAR 3/18.06.2020/3P/4C