



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7415 of 2020

VIJAY

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT
CRIME NO. 10 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Prabhu,
Advocate.

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

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

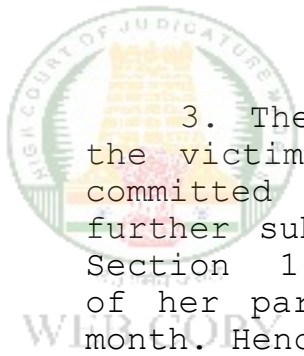
PRAYER :-

For Anticipatory Bail in Crime No. 10 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who is arrayed as accused No.1 apprehending arrest at the hands of the respondent police for the alleged offences under Sections 9 & 10 of Prohibition of Child Marriage Act and 7,8,16 and 17 of Protection of Children from Sexual Offences Act 2012 and 506(i) of IPC on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are three accused in this case. The petitioner herein is arrayed as A-1. The minor victim girl by name Karthika aged about 17 years was in love with this petitioner and also had sexual intercourse. Thereafter based on the complaint given by the mother of the victim the present case has been registered.



3. The learned counsel for the petitioner would submit that the victim has fell in love with this petitioner and he is not committed any offence as alleged by the prosecution. He would further submit that as per the statement of victim recorded under Section 164 of Cr.P.C she has stated that she on her own came out of her parental home and stayed in the petitioner house for one month. Hence, he seeks anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner/A-1 kidnapped the minor girl and kept the minor girl in the illegal custody in his house with an intention to marry her.

5. Considered the rival submission and perused the records.

6. From the perusal of the records including the statement recorded under Section 164 of Cr.P.C it is seen that the victim girl was in love with this petitioner and she came out of her parental home on her own and she was residing in the petitioner's house for nearly one month and she also refused to go with her parents and only thereafter complaint has been lodged by the mother of the victim.

7. Taking into consideration the facts and circumstances of the case and also the fact that the victim girl was in love with this petitioner and she came out of her parental home on her own and she was residing in the petitioner's house for nearly one month, 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 before the Special Court for POCSO Act, Madurai and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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



[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
29/07/2020

WEB COPY

/ 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 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.

TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7415 of 2020
Date :29/07/2020

KSA
JM/VR/SAR 3/31.07.2020/3P/4C