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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7720 of 2020

Rajkumar @ Raja

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.
Crime No. 14 of 2020..

... Respondent/Complainant

For Petitioner : Mr.A.Joel Paul Antony
Advocate.

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

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

PRAYER :-

To Anticipatory Bail in Cr.No.14 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under Section 9 of Prohibition of Children Marriage Act 2006 @ Section 9 of Prohibition of Children Marriage Act 2006 and 5(1) r/w 6 of POCSO Act in Crime No.14 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, namely, Rajkumar @ Raja, who is aged about 29 years and the minor victim girl, namely, Ranjitha, who is aged about 13 years, is the uncle



daughter of the petitioner and the petitioner got married to the minor victim girl on 06.07.2020 and also had sexual intercourse. Based on the complaint given by the Social Welfare Officer, a case has been registered against the petitioner for the above said offences.

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3.The learned counsel appearing for the petitioner would submit that the minor victim girl is the uncle daughter of the petitioner and both of them loved each other for the past several months. He would further submit that the minor victim girl on her own wish, went out of her parental home for getting married the petitioner, due to which, the case has been foisted against him.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner got married the minor victim girl and also sexually assaulted her. Based on the complaint given by the District Social Welfare Officer, a case has been registered.

5.On perusal of the records including the statement of the victim girl given under Section 164(5) of Cr.P.C., to the learned Judicial Magistrate, reveals that the petitioner and the minor victim girl are very close relatives and the victim girl on her own wish and went out of her parental house and got married the petitioner and they are living together. Thereafter, the parents of the victim girl went to the petitioner's house and picked up the victim girl and given assurance to the petitioner can marry the victim girl after she attained majority. Taking note of the above facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(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]***; and;

(f)if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/08/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7720 of 2020
Date :07/08/2020

SJI
AE/AKM/SAR-II (14.08.2020) 3P 5C