



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

Date : 03/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8044 of 2020

R.KARNAN

... PETITIONER/SOLE ACCUSED

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT
CRIME NO. 1226 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.A.Marthanda Varman,
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.1226 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 Sections 9
of the Prohibition of Child Marriage Act 2006 and Section 5(1) and 6
of the Protection of Child from Sexual Offence Act 2012, in Crime
No.1226 of 2020, on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner belongs to
Kuravar Community said to have married the minor victim girl, who is
aged about 16 years, on 03.06.2020 and having sexual intercourse
thereafter. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are close relatives and only a betrothal function for the marriage has been conducted and no marriage took place and there is no sexual intercourse with the minor victim girl.

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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.Considering the facts and circumstances of the case and also considering the rival submissions and also the materials including the statement given by the victim girl under Section 164(5) of Cr.P.C., it would seem that the petitioner is a close relative to the victim girl only a betrothal function was arranged and no marriage has been taken place, as alleged by the prosecution. In the above circumstances, 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 Special Court for POCSO Act Cases, Madurai, 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/-
03/08/2020

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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 CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8044 of 2020
Date :03/08/2020

SJI
JM/AKM/SAR 2/07.08.2020/3P/4C