



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8306 of 2020

Chetti @ Premkumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
Crime No. 13 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Thangapandian,
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.13 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as sole accused in Crime No.13 of 2020, on the file of the respondent police for the offence punishable under Sections 9, 10 of Child Marriage Restraint Act and Sections 5 [L], 5[J], [2] r/w 6 of POCSO Act, seeks anticipatory bail.

2.The complaint has been given by the District Social Welfare Officer, Trichy District, stating that the petitioner got married the minor victim girl and thereafter, sexually assaulted her.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are relatives and

<https://hcservices.ecourts.gov.in/hcservices/>



no marriage has been taken place and based on some personal enmity between the petitioner and the victim family, a false case has been registered 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 living together. He would further submit that the victim girl is six months pregnant.

5.On perusal of the records, it is seen that that the complaint has been given by the District Social Welfare Officer on the ground that the petitioner got married to the minor victim girl and also sexually assaulted her. Now the statement given by the victim girl under Section 164(5) of Cr.P.C., stating that since there is nobody else to take care of the victim girl, the victim girl got married to the petitioner and the petitioner is only taking care of her and she is also six months pregnant.

6.Considering the above facts and circumstances of the case and also considering the fact that the investigation is almost over and the custodial interrogation is also not required, 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, 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/-
17/08/2020

/ 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 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 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.

+1 CC to M/s.R.THANGAPANDIAN, Advocate (SR-5988[I] dated 18/08/2020)

ORDER
IN
CRL OP(MD) No.8306 of 2020
Date :17/08/2020

sjj
AE/AKM/SAR-II (19.08.2020) 3P 6C