



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9636 of 2020

Marimuthu

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Ayyapuram Police Station,
Tirunelveli District.
(Crime No.92 of 2020)

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram,
Advocate.

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

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

PRAYER :-

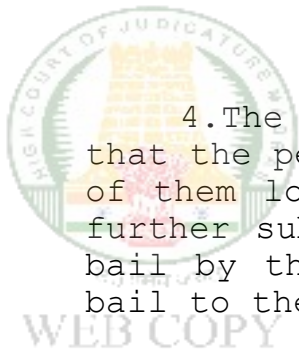
For an Anticipatory Bail in Crime No.92 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 366, 376 of IPC r/w Sections 9, 10 and 11 of Prohibition of Child Marriage Act and Sections 6 r/w 5(1) and 17 of POCSO Act, in Crime No.92 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused said to have kidnapped the the minor victim girl, who is aged about 15 years, for the purpose of getting marriage and also arranged for the marriage. Based on the complaint given by the father of the minor girl, a case has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl are close relatives and both of them loved each other and no marriage has been taken place. He further submitted that already co-accused were granted anticipatory bail by this Court and hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the minor victim girl has also given a statement under Section 164 of Cr.P.C. before the learned Magistrate in which there is no allegation against this petitioner.

6.On perusal of the records including the statement of the victim girl given under Section 164 Cr.P.C. to the learned Judicial Magistrate, reveals that the victim girl denied the marriage and on her own wish, she stayed at the petitioner's house and no sexual assault was made by the petitioner.

7.Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, Tenkasi, on condition that the petitioner shall execute 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 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/09/2020

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 JUDICIAL MAGISTRATE,
SANKARANKOVIL, TENKASI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9636 of 2020
Date : 11/09/2020

vsd
AE/JC/SAR-II (15.09.2020) 3P 5C