



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

Date : 09/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14377 of 2020

Arumugam

... Petitioner/Accused No.3

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
(FIR No.30/2020).

... Respondent/Complainant

For Petitioner : Mr.R.Murugappan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.30 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9 and 10 of the Prohibition of Children Marriage Act, 2006, and Sections 5(i) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.30 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 got married the victim girl with the help of the petitioner and A2. The victim girl is the minor girl. Based on the complaint given by the defacto complainant, the crime has been registered against A1 and the petitioners.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that since the petitioner is the father of A1, he has been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that A1 got married the victim girl with the help of the petitioner and A2. The victim girl is the minor girl. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is the father of A1 and there is no other serious allegation against him, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Session Judge, POSCO Court, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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

<https://hccourtsrecords.gov.in/Kcse6/hes> *Govindarajan P. In/ Kcse6/hes* *ji 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/-

09/12/2020

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/ /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 SESSIONS JUDGE,
POCSO COURT,
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.14377 of 2020

Date : 09/12/2020

VSG

SRS/JC/SAR-IV/22.12.2020/3P/4C