



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.310 of 2021

Mani @ Manikandan

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.25 of 2018).

... Respondent/Complainant

For Petitioner : Mr.Balaji.S,
Advocate.

For Respondent : Mr.A.P.G. Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory bail in Crime No.25 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

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

2.The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 506(ii), 366(A) IPC r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act and Section 5(1) and 6 of the Protection of Children from Sexual Offences Act (POCSO Act 2012), in Crime No.25 of 2018, seeks anticipatory bail.

3. The case of the prosecution is that on 28.03.2018, the petitioner along with other accused have come to the house of the defacto complainant and induced the victim girl stating that the petitioner will certainly marry her and forcibly taken her by a Car



and based on the complaint given by the defacto complainant, FIR was registered.

4. The learned counsel for the petitioner would submit that the petitioner and the victim girl loved each other and the same was opposed by the parents of the victim girl. Thereafter, the parents of the victim girl agreed for their marriage, as such, on 21.09.2020, the marriage between the petitioner and the victim girl was performed and at present, they are leading their life happily.

5. The learned Government Advocate (Criminal Side), on instructions would submit that initially a complaint has been lodged by the father of the victim girl and subsequently, it is stated that the petitioner and the victim girl got married and living together.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the occurrence had taken place in the year 2018. The petitioner and the victim belong to Kuravan, a Schedule Tribe Community, as per their custom, with the blessings of the community elders and parents, marriage was held at Nallandavar Thirukoil, Manapparai. Now the victim had attained majority. It is to be seen the custom of Schedule Tribe would prevail. Now, the petitioner and the victim girl are living together and leading their life happily. In view of the above, 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 fifteen days from the date of receipt of a copy of this order, before the Special Court for POCSO Act Cases, Sivagangai District, 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 Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
25/01/2021

/ TRUE COPY /

/ /2021
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,
SIVAGANGAI DISTRICT.
2. THE INSPECTOR OF POLICE
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.310 of 2021
Date : 25/01/2021

VRN
SRS/SMA/SAR-II/05.02.2021/3P/4C