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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.777 of 2021

Kaviarasan @ Kaviyarasan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Vilathikulam, Thoothukudi.
(Crime No.1/2021).

... Respondent/Complainant

For Petitioner : Mr.V.Nirmal Kumar,
Advocate.

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

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

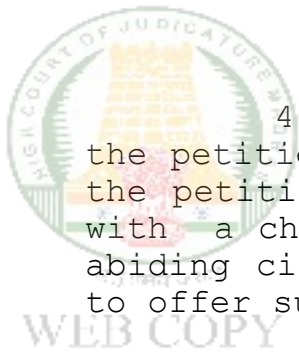
PRAYER :- For Anticipatory Bail in Crime No.1/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 5 (I), 5(j) (ii) and 6 of POSCO Act, in Crime No.1 of 2021, on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on investigation, it was allegedly found that teenage pregnancy of the minor victim girl, due to the petitioner and the same was registered with offences punishable under Sections 5(I),5(i) (ii) and 6 of POSCO Act in Crime No.1 of 2021.



4. The learned counsel for the petitioner would submit that the petitioner and the victim girl got married in the year 2019 and the petitioner is willing to live with her. They have also blessed with a child. He would further submit that the petitioner is a law abiding citizen and he is having permanent address and he is ready to offer substantial sureties for his release.

5. The learned Government Advocate (Crl. side) would submit that when the victim girl was admitted during her pregnancy in the Government Hospital, at that time, the victim girl was found to be a minor. Therefore, based on the complaint given by the Hospital authorities, a case has been registered. It is now stated that both the petitioner and the victim girl are living together along with their child and family members happily.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that at present the petitioner and the victim girl are living together happily, 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 four weeks from the date of receipt of a copy of this order, before the learned District Sessions Judge (Mahila Court), Tuticorin 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



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

sd/-
21/01/2021

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/ /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 DISTRICT SESSIONS JUDGE(MAHILA COURT),
TUTICORIN DISTRICT.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM, THOOTHUKUDI.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.777 of 2021
Date :21/01/2021

vrn
AE/SMA/SAR-I (29/01/2021) 3P / 4C