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

Date : 27/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1090 of 2021

Murugan

... Petitioner/2nd Accused

Vs

The State rep.by its
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.22/2020).

... Respondent/Complainant

For Petitioner : Mr.C.Manikandan,
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.22 of 2020 on the file of the Respondent police.

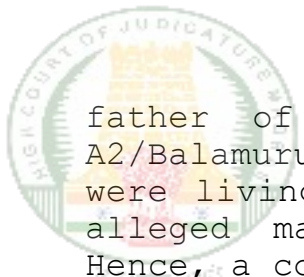
ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(1), 5 (n) and 6 of POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.22 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant is the Block Officer. The victim girl is aged about 17 years. The

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



father of the victim girl/A1 gave consent for marriage with A2/Balamurugan, who is the maternal uncle of the victim girl. They were living together as husband and wife. On knowing a the above alleged marriage, the defacto complainant lodged a complaint. Hence, a complaint.

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4.The learned counsel for the petitioner submitted that no such allegations have been committed by the petitioner. The petitioner intended marriage of the victim after she attains majority. Hence, he seeks anticipatory bail.

5.The learned Government Advocate submitted that there are two accused. A1 is the father of victim girl while A2 is the husband. They performed the marriage. It is unlawful. Hence, he prays for dismissal of the petition.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order before the learned Special Court Exclusive Trial of Cases under POCSO Act, Madurai, and on his executing 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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/-
27/01/2021

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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 JUDGE,
SPECIAL COURT EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-512[I] dated 29/01/2021)

ORDER
IN
CRL OP(MD) No.1090 of 2021
Date :27/01/2021

IAS
AE/JC/SAR-II (02/02/2021) 3P / 5C