



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.1195 of 2021

Muthumurugan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Vilathikulam, Thoothukudi.
Crime No. 11 of 2020.

... Respondent/Complainant

For Petitioner : Mr.Nirmal Kumar.V,
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.11 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9 of the Prohibition of Child marriage Act and Section 5(I), 5(J)(ii) and 6 of POCSO Act in Crime No.11 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein married a minor girl and they lived as husband and wife for one and half year and she delivered a baby on 22.12.2020 in Government Hospital. On information from the Hospital, the respondent police registered a case.

3.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 the minor girl's mother was died and her father is a disabled person



and therefore, the relatives of the girl arranged marriage with the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the investigation is pending.

5.It is seen that the petitioner and the victim girl are residing in a restricted village without any education. The date of birth has been entered by the school authorities on their own. The petitioner is none other than the aunt's son of the victim girl and their marriage was held one and half year before as per their customs, in which all the relatives were participated. After marriage, the victim got pregnant and she admitted in the Government Hospital for delivery. At that time the hospital Authorities found that the victim was minor and the same was informed to the respondent police. Now, the petitioner and the victim girl live together and her statement also confirmed the same.

6.Considering the above facts and circumstances of the case, 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 District Sessions Judge(Mahila), Thoothukudi 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:

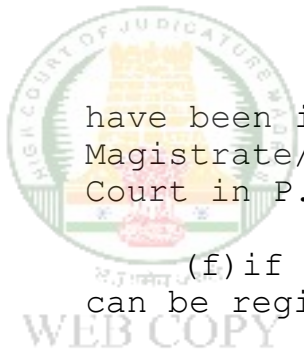
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall appear 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/02/2021

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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),
THOOTHUKUDI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1.CC to Mr.NIRMAL KUMAR.V, Advocate (SR.No.2698[F] dated 02/02/2021)

ORDER

IN

CRL OP(MD) No.1195 of 2021

Date :01/02/2021

GNS

SRS/SMA/SAR-II/08.02.2021/3P/5C