



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4615 of 2021

Chinnaraja

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No. 1583 of 2020..

... Respondent/Complainant

For Petitioner : Mr.Alagumani R,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1583 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(j) (ii), 5(i), 5(n) and 6 of Protection of Child from Sexual Offences Act, 2012 and Sections 10 and 11 of Child Marriage Restraint Act, 1929, in Crime No.1583 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the parents of the petitioner/A1 (Chinnaraj) and the parents of victim girl are relatives. A1 is the maternal uncle of victim girl. A1 and the victim girl were loved each other and got married. At the time of marriage, both were minor. Now, the victim girl become pregnant. The father-in-law and mother-in-law of the victim girl, scolded her.



Hence, she went to Children Welfare Committee and gave statement. The Children Welfare committee gave a complaint against the petitioner, since the victim girl at the time marriage was minor.

3.The learned counsel for the petitioner submitted that the victim girl does not have birth certificate. The parents of the victim girl are un-educated people. It is also submitted that as per the school records, the victim girl is major.

4.The learned Government Advocate(Crl.Side) would submit that investigation is pending.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration of the fact that co-accused have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 District Mahila Court, (POCSO Act 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 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/-
25/03/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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 DISTRICT MAHILA COURT(POCSO ACT COURT),
MADURAI.
- 2 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/s.R.ALAGUMANI, Advocate SR.No.2570

ORDER
IN
CRL OP(MD) No.4615 of 2021
Date :25/03/2021

NR/PN(30.03.2021) 3P:5C