



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

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7900 of 2021

Chinnadurai ... Petitioner/8th Accused

Vs

State Rep. by
The Inspector of Police,
Pulangudi Police Station,
Tenkasi.
(Crime No.128 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Shyllappa Kalyan.N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.128 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(I), 6, 17 of POCSO Act r/w Sections 9, 10 and 11 of the Prohibition of Child Marriage Act in Crime No.128 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 15 years, was married to the first accused, who is aged about 31 years, on 15.02.2021. Thereafter, the first accused said to have sexual relationship with the victim girl. Therefore, this case came to be registered for the above said offence.

3.The learned counsel for the petitioner submitted that the petitioner is no way involved in child marriage. Though he was invited for the marriage, he did not attend the marriage and he did not know the age of the victim girl. He further submitted that A-1 and A-3 were arrested and released on bail and A-7 was granted anticipatory bail. Therefore, he seeks anticipatory bail to the



4.The learned Government Advocate (Crl.side) for the respondent submitted that the petitioner attended the marriage and also blessed the couple. He further submitted that investigation in this case is not completed and hence, he strongly opposed this petition.

5.Taking into consideration the facts and circumstances of the case and the fact that the case was registered on 13.03.2021 and the fact that A-1 and A-3 were arrested and released on bail and A-7 was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Session Judge, Special Court for POCSO Act, Tirunelveli, 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 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., until further orders;

[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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/06/2021

/ 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.

WEB COPY

- TO
- 1 THE SESSION JUDGE,
SPECIAL COURT FOR POCSO ACT,
TIRUNELVELI.
 - 2 THE INSPECTOR OF POLICE
PULANGUDI POLICE STATION,
TENKASI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7900 of 2021
Date :17/06/2021

SJI
JM/PN/SAR IIII/23.06.2021/3P/4C