



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

Date : 09/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9070 of 2021

Vellaisamy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
Crime No.3 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.Anandkumar,
Advocate.

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

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

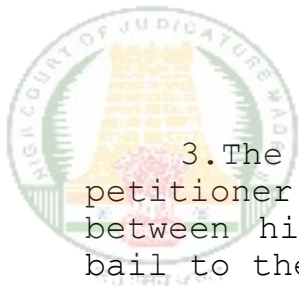
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2021 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 alleged offences punishable under Sections 3, 4 POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 and altered into Section 366 IPC r/w Sections 5(1), 6 POCSO Act 2012 and Section 9, 10 of Prohibition of Child Marriage Act, 2006 in Crime No.3 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was studying 10 standard and she was staying in her aunt at Kumarathapatty. She was in love with one Maruthupandiyan. On 28.03.2021, at about 11.00 pm., she went to the house of Maruthupandiyan and married him in a temple. Both have lived as husband and wife for one week. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is father of A1 and he has no role in the love affair between his son and the victim. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending. He further submitted that medical examination is over.

5.It is seen from the narration of the facts that the victim girl herself went with A1 and married him. There is no material to show that this petitioner involved in their love affair and marriage. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Sivagangai, 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 respondent police daily at 10.30 am., 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/-
09/07/2021

WEB COPY

/ 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.

TO

- 1.THE SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT 2012, SIVAGANGAI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9070 of 2021
Date :09/07/2021

GNS
TK/MNR/SAR.5/13.07.2021/3P/4C