



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD.No.9881 of 2021

Chellamuthu

... Petitioner/Accused No.4

Vs

The State Represented by
The Inspector of Police,
Balamedu Police Station,
Madurai District,
Crime No.205/2021.

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 205/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A-4, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section Women Missing @ Girl Missing and 9, 10 Child Marriage Act and 366 IPC, 5(1) r/w 6 of POSCO Act, 2012 in Crime No.205 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the complainant in this case has been made an accused. As per version of the complainant, the marriage with the victim girl had been celebrated on 23.05.2021. After the marriage, his wife/victim girl was not speaking to him properly. On 20.06.2021 at about 11.30 p.m., the victim was going to attend the natures call and she did not return. He made search, but did not locate her. Therefore, this case was given. Initially this



case was registered under Women Missing, subsequently, this case was altered as a case Girl Missing case and altered under Sections 9 & 10 Child Marriage Act and 366 of IPC, 5(1) r/w 6 of POSCO Act, 2012.

2(i). Now the case of the prosecution is that the victim girl was in love with one Dhass, who is a fifth accused in this case. Dhass had sexual relationship with the victim girl saying that he would marry her. When their love affair came to be known to the victim girl's parents, they scolded her and then they arranged her marriage with A-1 on 23.05.2021. After the marriage, A-1 had sexual relationship with the victim girl. She informed Dhass through cellphone. Infact, the victim girl did not co-operate for marital life with him after marriage and then she left with Dhass. He has been made an accused on the basis of this complaint. He produced copies of photographs showing that the victim girl and Dhass and in these photographs the victim girl is found smoking and also holding a Beer bottle.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that this petitioner is father of A-1 and he is not aware of the age of the victim girl. Hence, 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. However, he submitted that the victim girl is secured and 161(3) Cr.P.C., statement also recorded. Medical test is not conducted.

5. Taking note of the peculiar facts and circumstances, whose the petitioner, who is father of A-1 and he is not aware of the age of the victim girl and the victim girl was already love with Dhass and after marriage with A-1, she eloped with him. Hence, this Court is inclined to grant anticipatory bail to the petitioner with condition.

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 Special Court POSCO Act Cases, 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 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/-

28/07/2021

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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 POSCO ACT CASES, MADURAI.

2.THE INSPECTOR OF POLICE,
BALAMEDU POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9881 of 2021

Date :28/07/2021

SS/VR/SAR-III/02.08.2021 : 3P/4C