



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

Date : 12.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP (MD)No.10527 of 2021

WEB COPY

Manivelprabu

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Balamedu Police Station,
Madurai District.

(Crime No.205 of 2021).

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

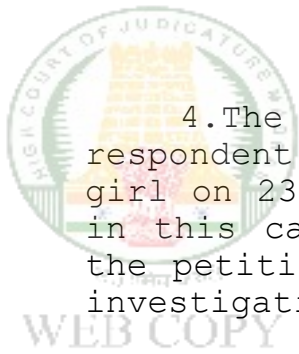
For Anticipatory Bail in Crime No.205 of 2021 on the file of the respondent police.

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 Women Missing altered into Girl Missing and Section 9, 10 Child Marriage Act and 366 of IPC, Section 5(1) r/w 6 of POCSO Act, 2012 in Crime No.205 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein married one Durgadevi on 23.05.2021. After 20 days the said Durgadevi was missing and therefore, a complaint was lodged by the petitioner. The investigation revealed that the petitioner married a minor girl and she eloped with the fifth accused in this case and therefore, case was registered as against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and the marriage between the petitioner and the minor girl is a arranged one and the petitioner without knowing the age of the girl agreed for the marriage. Only when the victim girl's mother filed habeas corpus petition and the victim girl was produced, it came to know that the age of the victim is 17 years.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner married the minor girl on 23.05.2021 and the minor girl eloped with the fifth accused in this case. After ascertaining the age of the victim girl only, the petitioner was added as an accused. He further submitted that investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Special Court POCSO 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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/-
12/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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.10527 of 2021
Date : 12.08.2021

TR/PN/SAR-III (19.08.2021) 3P 4C