



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

Date : 01.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12145 of 2021

Sivasakthi

... Petitioners / Accused No.1

Vs

State Rep. By
The Inspector of Police,
Uthamapalayam All Women Police Station,
Theni District.
Cr.No.9 of 2021

... Respondent / Complainant

For Petitioner : M/s.Ramesh.C,
Advocate.
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.9 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 9 of Prohibition of Child Marriage Act 2006 and 6 of POCSO Act, in Crime No.9 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the statement was recorded from the victim girl. As per statement of the victim girl, she is the friend of the petitioner and that they fell in love with each other for about 1 year. Thereafter, the petitioner and the defacto complainant performed their marriage on 18.10.2020 without the knowledge of their parents and led the matrimonial life. During such time, he had intercourse with the victim girl due to which, she had become pregnant and that on 18.07.2021, she developed labour pains and she was admitted in the hospital. When she was in the hospital, an intimation was given by the medical authorities, based on which, the statement of the victim girl was recorded and the case



was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl were in love with each other. Without understanding the consequences, the petitioner had eloped with the victim girl and they were living as husband and wife. During such period, the victim became pregnant and on 18.07.2021 when the victim girl had developed labour pain, she was admitted in the hospital for delivery wherein, based on the complaint given by the medical authorities, the case came to be registered. He would further submit that in the statement, the victim girl has stated that she had eloped on her own volition with the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner had kidnapped the minor girl and committed penetrative sexual assault on her, due to which, the victim girl has delivered a baby. He would further submit that the major part of investigation is over and the statement of the victim has been recorded under Section 164 of Cr.P.C. wherein, the victim girl has stated that she had eloped on her own volition with the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that the victim girl herself had admitted that she eloped with the petitioner on her own volition, 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 learned Judicial Magistrate Court, Uthamapalayam, Theni District, 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 his 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

<https://hccs.courtsofmadras.org/> Services, e-courts, e-filing, e-services
Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW**



5560J.

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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01/09/2021

/ TRUE COPY /

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

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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 JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM ALL WOMEN POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.MURALI, Advocate (SR-5880[I] dated 02/09/2021)

ORDER IN
CRL OP(MD) No.12145 of 2021
Date : 01/09/2021

SB/SKN/SAR-III/28.10.2021/3P/6C