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

Date : 08/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12911 of 2021

M.Sathyakumar

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City.
(Crime No.13 of 2021)

... Respondent/Complainant

For Petitioner : M/s.P.Saravanakumar,Advocate.

For Respondent : M/s.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.13 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is aged about 27 years, married the minor victim girl, aged about 17 years. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the occurrence had taken place in the year 2018 and the complaint has been lodged in the year 2021 as if at the time of marriage the victim is a minor. After marriage, the victim girl gave birth to a male child and now the child is aged about 1 ½ years. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the statement under Section 164 Cr.P.C was recorded from the victim girl, in which, she has stated that she voluntarily married the petitioner and now she is having 1 ½ years old male child and also stated that they are living happily.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also the statement of the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 District Mahila 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 Judge 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[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 Judge/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 Judge/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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
08/09/2021

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/ /2021

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

msa

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 Special Judge
The Special District Mahila Court
(POCSO Act cases), Madurai,
- 2.The Inspector of Police,
All Women Police Station
Thirupparankundram
Madurai City
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.12911 of 2021
Date :08/09/2021

SP/VR/SAR III/22/09/2021/3P/4C