



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) .No.13431 of 2021

Kandasamy@karthick

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
(Crime No.4 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.SUNDARAPANDIAN,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABHAKAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the Respondent police

ORDER : The Court made the following order :-

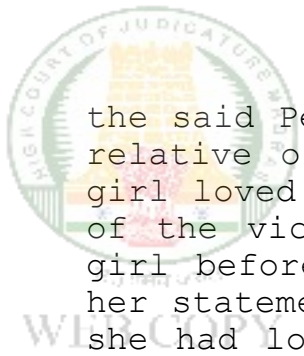
The petitioners/accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 363 of IPC, Section 9 of Child Marriage Prevention Act and Section 5 (1) r/w Section 6 r/w Sections 16 and 17 of the Protection of Children From Sexual Offences Act, in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Dhanalakshmi, who is the mother of the victim girl, lodged a complaint alleging that the defacto complainant fell in love with one Petchimuthu and they decided to marry without the knowledge of their family members.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution. For having accommodated the victim girl and Petchimuthu, he has been implicated in this case, as if he is the relative of the defacto complainant and Petchimuthu. Hence, he seeks for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit the victim girl is aged about 15 years and

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the said Petchimuthu is aged about 20 years. This petitioner is the relative of the Petchimuthu. The said Petchimuthu and the victim girl loved each other and therefore, they eloped. On the complaint of the victim's mother, the respondent police produced the victim girl before the learned Judicial Magistrate No.IV, Tirunelveli and her statement has also been recorded. Wherein, she has stated that she had love affair with one Petchimuthu and on her own volition, she left with him, but, no marriage was solemnised.

5.Taking into consideration of the facts and circumstances of the case and the nature of allegation against this petitioner, the statement given by the victim girl before the learned Magistrate, this Court is inclined to grant anticipatory bail to the petitioners 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Special Court for POCSO Act Cases, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned 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 daily at 10.30 a.m., until further orders;

(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]***; and;

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

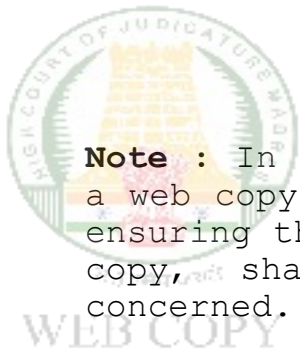
sd/-

16/09/2021

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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 FOR POCSO ACT CASES,
TIRUNELVELI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI TOWN
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13431 of 2021

Date :16/09/2021

SA/PN/SAR.1/22.09.2021/3P/4C