



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13977 of 2021

Maduraiveeran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City
(Crime No.32 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.POORNACHANDRAN, Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2021 on the file of the respondent Police

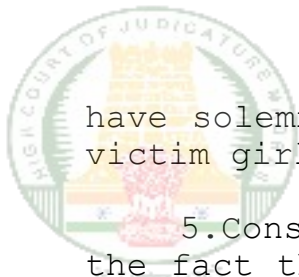
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 of the Prohibition of Child Marriage Act and Section 5(I), 6 of the Protection of Children from sexual offences Act, 2012, in Crime No.32 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had kidnapped the minor girl and committed penetrative sexual assault on her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are close relatives and victim's parents urged the petitioner to marry the victim and the marriage took place on 17.11.2020. He would further submit that they blessed with a male child namely Medunan on 13.07.2021

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is aged about 26 years and the victim girl is aged about 17 years. The parents' of the petitioner and the victim girl



have solemnized the marriage between them on 17.11.2020 and now the victim girl delivered a male child.

5.Considering the facts and circumstances of the case and also the fact that the petitioner is the only person to take care of his child and the victim, 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 Judge, Special Court to deal with the cases under POCSO Act, Madurai, 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 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 judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before 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]**.

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

sd/-

23/09/2021

/ TRUE COPY /

/ /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 TO DEAL WITH THE CASES
UNDER POCSO ACT, MADURAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY

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

ORDER

IN

CRL OP(MD) No.13977 of 2021

Date : 23/09/2021

SA/JM/SAR.1/08.10.2021/3P/4C