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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.14270 of 2021

K.Perumal

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.223 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Samayaraja R, Advocate.

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.223 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 and 9 and 10 of Prohibition of Child Marriage Act, in Crime No.223 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A2 and four others performed the marriage of the victim girl with the first accused.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence and he had not played any role in the said offence.



4. The learned Additional Public Prosecutor submits that the petitioner is the father of A1. There was a love affair between the victim girl and the A1. He further submits that the victim girl was also produced before the concerned Judicial Magistrate, where, the statement of the victim girl was recorded under Section 164 Cr.P.C, in which, she has stated that she had love affair with the first accused and on knowing that, her mother arranged her marriage with the first petitioner.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the victim girl in her statement stated that she had love affair with the first accused and on knowing the same, her mother also arranged her marriage with the first accused, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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 for POCSO Act cases, 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 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 Aadhar 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 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/-
28/09/2021

/ TRUE COPY /

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

OGY

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 COURT FOR POCSO
ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
PERAIYUR POILICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14270 of 2021
Date :28/09/2021

SP/VR/SAR III/04/10/2021/3P/4C