



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3890 of 2022

VIJI @ DINESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AWPS - RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.2 OF 2022)

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 9 of The Child Marriage Act r/w 5(1), 5 (j) (ii) r/w 6 of POCSO Act in Crime No.2 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one, Radha who is a Rural Development Officer lodged complaint alleging that one, Gowri who is aged about only 16 years married one, Dinesh @ Viji and gave birth to a male child.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that during the relevant point of time, both the petitioner and the victim child fell in love with each other and after marriage happened on 01.05.2020, the victim



child gave birth to one male child. In otherwise, the alleged occurrence had happened with the consent of the victim child and accordingly, he pleaded for anticipatory bail.

4. Mr.S.Santhosh, the learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that investigation is pending. However he would contend that in the statement given before the Magistrate, the victim child did not reiterate the allegations levelled against the petitioner.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner for the offences punishable under Sections 9 of The Child Marriage Act r/w 5(1), 5 (j) (ii) r/w 6 of POCSO Act. Today when the matter is came up for hearing, copy of the F.I.R. and the statement given by the victim girl before the Magistrate is placed before this Court for perusal. In those documents, the victim child has not raised any allegation against this petitioner. Accordingly, taking note of all the above said aspects into consideration, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, 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 Mahila Court (FTC), Namakkal on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned 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 thereafter as and when required for investigation.

(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 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 learned Magistrate/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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

24/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAHILA COURT (FTC)
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS - RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 2903

CRL OP.3890/2022

Date :24/02/2022

RW 02/03/2022