



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12083 of 2022

SATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGAPATINAM,
NAGAPTTINAM DISTRICT.
CRIME NO.4/2022

[RESPONDENT]

For Petitioner : M/S R.MURUGA BHARATHI Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8 read with 7 of POCSO Act, 2012 and Sections 9 and 10 of Child Marriage Act, 2006 in Crime No.4 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl aged about 17½ years and got married. On the complaint lodged by the Social Welfare Officer, the present complaint has been registered against the petitioner.

3. Admittedly, both the victim and the petitioner are relatives and got married. Now, she attained majority and their marriage was also duly registered before the Registering Authority on 13.04.2022.



4. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are living together happily. Hence, he prays to grant anticipatory bail to the petitioner.

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5. The learned Additional Public Prosecutor would vehemently oppose to grant anticipatory bail to the petitioners.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before the learned Special Sessions Judge for Protection of Childred from Sexual Offences Act Cases, Nagapattinam, Nagapattinam District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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 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].



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

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-sd/-
20/05/2022

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 SPECIAL SESSIONS JUDGE
FOR PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES ACT CASES, NAGAPATTINAM,
NAGAPTTINAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGAPATTINAM,
NAGAPTTINAM DISTRICT.

+1 CC to M/S R.MURUGA BHARATHI Advocate on payment of necessary charges SR.NO. 7725

CRL OP.12083/2022

Date :20/05/2022

RW-24/05/2022