



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11613 of 2022

MASHKO

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR,
THIRUVARUR DISTRICT
CRIME NO.7 OF 2022

[RESPONDENT]

For Petitioner : M/S.G.BALACHANDAR Advocate

For Respondent : MR.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 6 r/w 5 (i)(ii)(1) of POCSO Act and Section 9 of Prevention of Child Marriage Act in Crime No.7 of 2022 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner got married to a minor girl and gave birth to a male child. When the victim was admitted in the hospital for delivery and at the time of verification of her personal details, it was found that victim is only aged about 16 years. On the report received from the Doctor, the complaint has been registered and now, the petitioner is apprehending arrest at the hands of respondent police.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

WEB COPY 4. The learned Additional Public Prosecutor appearing for respondent would submit that the petitioner has got married to a minor girl and she gave a birth to a child. He would submit that the petitioner and the victim girl are now living together happily. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that the petitioner and the victim girl are living together happily and for having newly born baby, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 Principal District and Sessions Judge at Thiruvavur 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/05/2022

WEB COPY

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVARUR

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR
THIRUVARUR DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to G.BALACHANDAR Advocate on payment of necessary charges

CRL OP.11613/2022

Date :19/05/2022

JPA 26/05/2022