



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.12102 of 2022

ALEXANDAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
AWPS - NAGAPATTINAM ,
NAGAPATTINAM DISTRICT.
(CRIME NO. 13 OF 2022)

[RESPONDENT]

For Petitioner : M/S.A.VINOTH KUMAR 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 5(1), 5(j)(ii) and 6 of Protection of Children from sexual offences POCSO Act 2012 and Section 9 of Child Marriage Restraint Act in Crime No.13 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had fallen in love with the minor girl and got married and had physical relationship due to which the minor girl became pregnant and hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner married the minor girl and hence the petitioner may be granted anticipatory bail.

4. The learned Additional Public Prosecutor submitted that when the minor girl went for medical check up, the Social Welfare Officer gave a complaint, based on which this case has been registered. He would further submit that both are living together happily and the victim girl is now aged about 17 1/2 years.



5. Considering the above facts and circumstances, this Court is of the view that custodial interrogation of the petitioner is not required and hence this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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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 Special Court for POCSO Act Cases, Nagapattinam, 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] After attainment of majority of the victim girl, the petitioner shall register their marriage and produce the Marriage Registration Certificate before the respondent police failing which the respondent is directed to secure the petitioner and proceed in accordance with law.

[f] 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].



[g] 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 COURT FOR POCSO ACT CASES,
NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,
AWPS - NAGAPATTINAM ,
NAGAPATTINAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.A.VINOTH KUMAR Advocate on payment of necessary charges SR.No.7722

CRL OP.12102/2022

Date :20/05/2022

CSK 25/05/2022