



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

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12615 of 2022

MOHAMED SULTHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOUSAND LIGHT, CHENNAI
CR.NO.8 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.RAJADURAI Advocate

For Respondent : MR. V.MEGANATHAN, 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 at the hands of the respondent police for the offences punishable under Section 6 of POCSO Act in Crime No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the victim girl on 22.08.2021 with the blessings of the elders and acceptance of the family members. The parents of the victim girl informed that the victim girl was a major and thereafter only the marriage was performed by following the religious tenets. During May 2022, the defacto complainant went for maternity check up, at that time it was found that she is a minor, the Child Welfare Organization lodged a complaint and a case was registered against the petitioner.

3.The learned counsel for the petitioner would submit that as far as the victim is concerned, she is very much interested to continue her matrimonial life with the petitioner. He further submitted that the victim is at the advanced stage of pregnancy and she is now being taken care of by the petitioner's family. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (crl. side) would submit that on the complaint of the victim girl, FIR registered and the victim herself disclosed that she is a minor. He further submitted that the Child Welfare Organization was also informed that the victim was forced for the marriage and since she is at



the advanced stage of pregnancy, she is not willing for termination. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made and on perusal of the marriage invitation and photograph and also verifying from the Police Personnel, it is seen that the victim girl is still interested to continue her matrimonial life. Further the parents of the victim has got no birth certificate of the victim girl and the victim girl on her own without confirming the actual age informed the hospital authorities that she is a minor. Therefore, 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 Additional Mahila Court, Egmore, 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 appear 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2022

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 ADDITIONAL MAHILA COURT
EGMORE, CHENNAI

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOUSAND LIGHT, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.SIRAJUDEE Advocate on payment of necessary
charges Sr.8174

CRL OP.12615/2022

Date :26/05/2022

rvr 30/05/2022