



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14162 of 2022

V.MURUGESAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI
SALEM DISTRICT
CRIME NO.16 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.JAYAPRAKASH 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 Section 366 of IPC , Section 9 of Prohibition of Child Marriage Act 2006 and Sections 5(1), 5(j)(ii) r/w 6 of the Protection of Child from Sexual Offences Act, 2012 in Crime No. 16 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 14.01.2022 at 4.00 a.m. the petitioner had married one P.Thenmozhi, daughter of Palaniyappan, who is aged about 16 year. As she had married the petitioner without the knowledge of her parents, the District Social Welfare Officer, Salem had lodged a complaint before the respondent Police.



3. On perusal of the statement recorded under Section 164 of Cr.P.C. it reveals that, the petitioner fell in love with the victim girl aged about 16 years. Thereafter, they got married and lived together. Due to wedlock, the victim girl got pregnant. Except this, no other allegation is against the petitioner.

4. Considering the above fact and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner does not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 the exclusive trial of POCSO Act Cases, Salem on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall register his marriage with the victim girl immediately after attainment of her majority and produce the registration of their marriage certificate before the respondent police, failing which the respondent is directed to proceed as against the petitioner in accordance with Law.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.



[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

22/06/2022

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 THE
EXCLUSIVE TRIAL OF POCSO ACT CASES, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI
SALEM DISTRICT.

+1 CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges SR.NO. 9766

CRL OP.14162/2022

Date :22/06/2022

RW-24/06/2022