



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14266 of 2022

1 SATHISH KUMAR [PETITIONERS / ACCUSED]
2 SELVARAJ
3 KANCHANA
4 NIRMALA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
W-18, M.K.B.NAGAR ALL WOMEN POLICE STATION,
CHENNAI.
(CRIME NO.11/2022)

For Petitioner : M/S R.GANGADHARAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 9 of Prohibition of Child Marriage Act & 6 of POCSO Act in Crime No.11 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl and the marriage was arranged by their parents. Due to wedlock, the victim girl got pregnant. When the victim girl went to the hospital for medical check up, the District Child Welfare Officer lodged a complaint against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays for grant anticipatory bail to the petitioners.



4. Admittedly, the 1st petitioner and the victim girl aged about 16 years fell in love and thereafter a marriage was arranged by the parents. They got married and also she got pregnant. When the victim girl went to the hospital for medical check up, the District Child Welfare Officer lodged a complaint, since the victim girl was minor.

5. A perusal of the statement recorded under Section 164 of Cr.P.C reveals that the 1st petitioner got married the victim girl and they were living happily. Due to their marriage, she got pregnant.

6. Considering the above fact and circumstances of the case, the custodial interrogation of the petitioner is not required, therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Special Court exclusively triable for POCSO Act at Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

21/06/2022

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 SPECIAL COURT EXCLUSIVELY
TRIABLE FOR POCSO ACT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-18, M.K.B.NAGAR ALL WOMEN POLICE STATION,
CHENNAI.

+1 CC to M/S R.GANGADHARAN Advocate on payment of necessary
charges SR.NO.9603

CRL OP.14266/2022

Date :21/06/2022

TA-30/06/2022