



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.04.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2448 of 2022

Vetriselvam

... Petitioner/Accused
(Rank Not Known)

Vs

The State through
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.04 of 2022)

... Respondent/Complainant

For Petitioner : Mr.C.SENTHIL MURUGAN,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.04 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(j)(1) and 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, in Crime No.04 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had married the victim girl, who is aged about 17 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love and as per the compulsion of the victim girl, the petitioner had taken the victim girl to Tiruppur and living together, that now the victim girl is four months pregnant and that the petitioner as well as his parents were ready and willing to conduct the marriage of the petitioner with the victim girl, after the victim girl attains majority.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that medical test were already over, that investigation is almost completed except receiving the medical test report and that the victim girl was aged above 17 years.

5.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an affidavit sworn by the petitioner as well as the petitioner's parents, wherein, they have stated that there is no difference of opinion between the petitioner's family and the victim girl's family, that the victim girl is now carrying 5 months foetus in her womb and the petitioner will take responsibility and that they will perform the marriage immediately after she attains majority.

6.Considering the above facts and circumstances and also the facts that medical examinations were already over, that investigation is almost completed except receiving the medical test report and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 of receipt of a copy of this order, before the learned Special Court for POCSO Act Cases, Sivagangai, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Sessions Judge concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhaar 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 one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 Sessions Judge/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



Sessions Judge/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 229-A IPC.

WEB COPY

sd/-
26/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL MURUGAN.C., Advocate SR.No.3848

**ORDER
IN**

CRL OP(MD) No.2448 of 2022
Date :26/04/2022

SA/PN/SAR.2/28.04.2022/3P/5C