



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.3706 of 2022

P.Akram Sheik Mohideen

... Petitioner/Accused
Rank Not KNown

Vs

State rep.by
The Inspector of Police,
AWPS - Palayamkottai
Police Station,
Tirunelveli City.
(Crime No.15 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Pinaygash I, Advocate.

For Respondent : M/s.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9 of Child Marriage Restraint Act and Section 5(1), 5(j)(ii), 6 of POCSO Act 2012, in Crime No.15 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioner is that he abutted the child marriage. A case in Crime No.15 of 2021 was registered against the petitioner.

3. On the side of the petitioner it is stated that the allegation against the petitioner is that he as a member of Jamath, has issued No Objection Certificate as if it is the first marriage. No other overt act is attributed against the petitioner. A named



accused was already released on bail in CrI.O.P.(MD).No.19810 of 2021, dated 21.12.2021. The victim and the prime accused were married and they are living together and having a female child and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution it is stated that as a Executive Member of the Jamath the petitioner has issued a Certificate in support of the Child Marriage. He has formerly admitted that the anticipatory bail was granted to the main accused.

5. This is the second anticipatory bail petition filed by the petitioner. Though anticipatory bail was already granted to the petitioner on 24.01.2022, the petitioner has not surrendered before the concerned Court within the time limit and hence, the earlier order automatically stand cancelled. Hence, the petitioner has approached this Court by way of this petition. In view of the submissions made by both sides and in view of the fact that the prime accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judge, Special Court for the Protection of Children from Sexual Offences, Tirunelveli District 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 learned Magistrate concerned and the petitioner shall appear before the Ambasamudram Police Station daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
23/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
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
THE PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES, TIRUNELVELI DISTRICT.
 2. THE INSPECTOR OF POLICE,
AWPS - PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
 3. THE INSPECTOR OF POLICE,
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. PINAYGASH.I Advocate SR.No.1501

ORDER
IN
CRL OP(MD) No.3706 of 2022
Date :23/02/2022

SP/PN/SAR II/28/02/2022/3P/6C