



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4589 of 2022

S.Manoj : Petitioner/Sole Accused

Vs.

The State rep.by
The Inspector of Police,
All Women Police Station,
Madurai South, Madurai City.
Crime No. 7 of 2022. : Respondent/Complainant

For Petitioner : Mr.B.Senthil Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

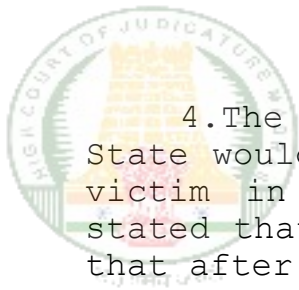
For Anticipatory Bail in Crime No.7 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 9, 5(1), 5(j)(ii) and Section 6 of POCSO Act, in Crime No.7 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the petitioner and the victim girl, in front of both family members. Due to that, the victim girl became pregnant and subsequently, she was admitted in Government Hospital, Madurai for delivery. The Hospital Authority had informed the respondent and on that basis a case has been registered against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim girl were on love and that the defacto complainant alone had compelled him to marry her, that the marriage was solemnized on 26.05.2021 and that thereafter, the victim has given birth to a child on 28.02.2022.



4.The learned Additional Public Prosecutor appearing for the State would submit that the victim is aged about 17 years, that the victim in the statement recorded under Section 164 Cr.P.C, has stated that she alone had compelled the petitioner to marry her and that after marriage, they gave birth to a child.

5. When the matter is taken up on 24.03.2022, considering the submissions made by the learned Additional Public Prosecutor that since the petitioner is absconding, the medical test is yet to be taken. At that juncture, the learned counsel for the petitioner would submit that the petitioner is ready to undergo the Medical Test. Considering the submissions made by both sides, this Court directed the respondent Police to submit a requisition to the concerned Court and the petitioner was directed to appear before the concerned Court and on filing of such requisition, the concerned Court was directed to take necessary steps to send the petitioner for medical examination.

6. In pursuance of the same, the petitioner was subjected to medical examination.

7. Considering the facts and circumstances of the case and also the fact the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

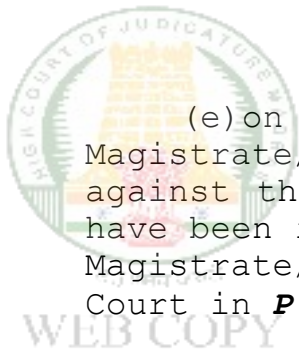
8. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special District & Sessions Judge (POCSO Act Cases), Madurai, on condition that the petitioner 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate 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 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 am for a period of one month and thereafter, 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



(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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/04/2022

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

DAS

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 SPECIAL DISTRICT AND
SESSIONS JUDGE, (POCSO ACT CASES), MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MADURAI SOUTH,
MADURAI CITY

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SENTHILKUMAR. B. Advocate SR.No.2934

ORDER

IN

CRL OP(MD) No.4589 of 2022

Date : 05/04/2022

SS/VR/SAR:II/08.04.2022 : 3P/5C