



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

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8562 of 2022

M.Mathankumar

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Bodi All Women Police Station I/c,
Bodi Taluk Police Station,
Theni District.
(Crime No.72/2022).

... Respondent/Complainant

For Petitioner : M/s.GUHAN.K, Advocate.

For Respondent : Mr.A.THIRUVADIKUMAR
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.72/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

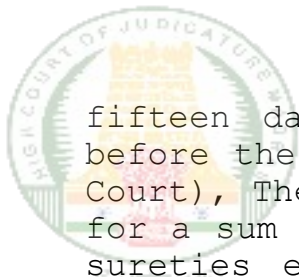
The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, Sections 5(1), 5(i)(ii), 6 and 17 of POCSO Act, 2012, and Section 174 of Cr.P.C., in Crime No.72 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3.The petitioner herein, who is arrayed as accused No.1 had contracted marriage with the victim girl, who is aged about 16 years, due to which, she became pregnant. The accused Nos.2 to 5 have already been released on anticipatory bail by the Sessions Court. It is stated that the first accused and the victim girl are now living together as husband and wife.

4.In these circumstances, 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 of receipt of a copy of this order, before the Judge, Mahaliar Neethi Mandram, Theni (Fast Track Mahila Court), Theni, 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 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before 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 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 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]**.

sd/-

05/05/2022

/ 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,
MAHALIR NEETHI MANDRAM (FAST TRACK MAHILA COURT), THENI.
- 2 THE INSPECTOR OF POLICE,
BODI ALL WOMEN POLICE STATION I/C,
BODI TALUK POLICE STATION, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GUHAN.K Advocate SR.No.4342

ORDER IN

CRL OP(MD) No.8562 of 2022

Date : 05/05/2022