



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8720 of 2022

Nagaraj

... Petitioner / Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thilagarthidal,
Madurai District.
(Crime No.13 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Loganathan
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor.

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

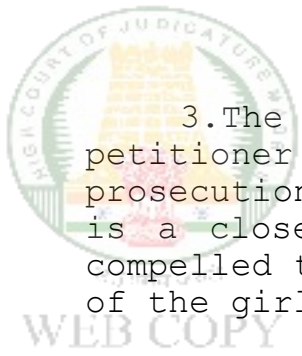
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 9 of Prohibition of Child Marriage Act, 2006 and 5(1),5(j)(ii),5(n), 6 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.13 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Social Welfare Officer. The petitioner herein has married a minor girl. The marriage was arranged by both family members. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. The marriage was an arranged marriage. The victim girl is a close relative of the petitioner. The family members have compelled the petitioner to marry the girl. Without knowing the age of the girl, the petitioner has married the girl.

4.The learned Additional Public Prosecutor would submit that the victim girl is going to attain majority in two months.

5. Considering the facts and circumstances of the case and the fact that there is no serious allegation as against the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner. 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 Sessions Judge/ Principal Special Court for Trial Cases under POCSO Act, Madurai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 a.m for a period of two weeks, thereafter, as and when required;

(c)the petitioner shall not tamper with 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 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.

WEB COPY

sd/-
11/05/2022

/ TRUE COPY /

16/05/2022
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 SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL CASES
UNDER POCSO ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THILAGARTHDAL,
MADURAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.S.LOGANATHAN, Advocate (SR-4647[I] dated 12/05/2022)

ORDER
IN
CRL OP(MD) No.8720 of 2022
Date :11/05/2022

pnn / sn
MK/JM/SAR.II/16.05.2022/3P/5C