



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.05.2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9219 of 2022

G.Balamurugan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.11 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Gunasekaran.P
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 9 of the Prohibition of Child Marriage Act and Section 5(i), 5(j)(ii) read with Section 6 of POCSO Act in Crime No.11 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.According to the prosecution, the petitioner and the de-facto complainant fell in love with each other. With the consent of both families, they married. On 10.03.2022, the defacto complainant has given birth to a child at Hospital. At that time, the hospital authority found that the defacto complaint was 17 years. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence

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as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would state that in this case, investigation has been completed.

5.Considering the facts and circumstances of the case and also considering the fact that the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 Special Court for POCSO Act Cases, Sivagangai, Sivagangai District, 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 every Wednesday at 10.30 a.m until further orders.

[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/-

18/05/2022

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23/05/2022

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

TO

1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI, SIVAGANGAI DISTRICT.

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2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9219 of 2022

Date :18/05/2022

SS/SVR/SAR:II/20.05.2022 : 3P/4C