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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.9710 of 2022

1.Panchavarnam
2.Alagappan
3.Prakash

... Petitioners/Accused
Rank Not Known

Vs

The State represented by
The Inspector of Police,
Balamedu Police Station,
Madurai District.
(Crime No.55/22).

... Respondent/Complainant

For Petitioners: M/s.R.Manoharan, Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.55/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Rank not known who apprehends arrest at the hands of the respondent police for the offences punishable under Sections Girl Missing altered into Section 9,10 of Child Marriage Act and Section 366 of IPC, Section 5(1)(j)(ii) read with 6, 16, 17 of Protection of Child from Sexual offences Act in Cr.No.55 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, the defacto complainant's daughter was found missing with gold jewels and that the third petitioner has abducted the defacto complainant's daughter. Hence the complaint.



3.The learned counsel for the petitioners submitted that the petitioners/A1 to A3 have not committed any offence as alleged by the prosecution. The third petitioner and the defacto complainant's daughter were in love with each other. On knowing the same, the defacto complainant arranged marriage to his daughter with another boy. The victim girl has come voluntarily with the third petitioner /third accused and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are six accused in this case. Accused No.5 and 6 arranged marriage of the petitioner/A4 with the minor girl. The petitioners have no previous case.

5.Considering the facts and circumstances of this case and considering the nature of offence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of 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 Court for Exclusive Trial of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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 petitioners 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**



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

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Sd/-
15/09/2022

/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

TO

1. THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT,
MADURAI.
 2. THE INSPECTOR OF POLICE,
BALAMEDU POLICE STATION,
MADURAI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.MANOCHARAN R Advocate SR.No.10027

ORDER
IN
CRL OP(MD) No.9710 of 2022
Date :15/09/2022

SP/SVR/SAR I/21/09/2022/3P/5C