



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.12967 of 2022

Alexpandi

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime No.243/2022)

... Respondent/Complainant

For Petitioner : MR.P.Senguttuarasan,
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.243/2022 on the file of the respondent police.

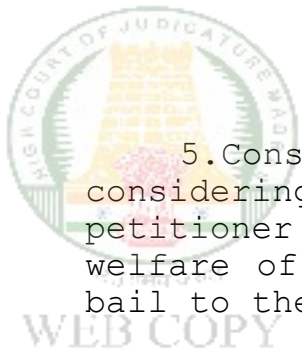
ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 IPC, Section 9 of Child Marriage Act and Sections 5(1), 5(J) (II), 6 and 17 of POCSO Act, in Cr.No.243 of 2022, seeks anticipatory bail.

2.The case against the petitioner is that on 11.07.2021, the petitioner had married the de-facto complainant, who is a minor and had sexual intercourse with her. Hence, the above case has been registered against the petitioner.

3.On the side of the petitioner, it is stated that the de-facto complainant is a 17 ½ years old and that in the complaint, she has specifically mentioned that she only invited the petitioner and compelled him to marry her and prayed the petitioner to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that at the time of occurrence, the de-facto complainant is only 15 years old. But it is fairly admitted that the de-facto complainant is having a



5.Considering the submissions made by both sides and on considering the fact that there is some love affair between the petitioner and the de-facto complainant and also considering the welfare of the child, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and the petitioner is 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 Fast Track Court 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the trial Court 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 concerned Court/trial Court 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 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 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/-

06/09/2022

/ TRUE COPY /

/09/2022

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,
FAST TRACK COURT, MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SENGUTTUARASAN.P Advocate SR.No.9806.

ORDER
IN
CRL OP(MD) No.12967 of 2022
Date :06/09/2022

SJI
MK/VR/SAR.IV/12.09.2022/3P/5C