



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2022

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.15759 of 2022

Udayakumar

... Petitioner/Sole Accused

Vs

The State represented by
Sub Inspector of Police,
Royappanpatti Police Station,
Theni District.
(Crime No.201/22).

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian
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.201 / 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 offences punishable under Sections 366, 376(3) of IPC and Section 9 of Child Marriage Act and Section 4 (2), 5(J)(ii) read with Section 6 of POCSO ct, 2012, in Cr.No.201 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and defacto complainant fell in love with each other and they got married. The defacto complainant's mother and father were died. Her grandmother has been taking care of her and has arranged the marriage of the defacto complainant and the petitioner. A female baby was also born to them. At the time of delivery in the



hospital, since the age of the deceased is 15 years, a comp. as been filed against the petitioner herein.

3.The learned counsel for the petitioner submitted that the grand mother of the defacto complainant at the time of marriage has stated that the age of the girl as 20 years and therefore the petitioner has married her. He has further submitted that he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that the defacto complainant is aged about 15 years and she has delivered a female baby and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case and considering the nature of the offence 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, 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 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 until further orders;

(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 FIF registered under Section 229-A IPC.

sd/-
08/09/2022

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/09/2022

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

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TO

- 1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3.THE SUB INSPECTOR OF POLICE,
ROYAPPANPATTI POLICE STATION,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15759 of 2022
Date :08/09/2022

RK/SVR/SAR-II(19/09/2022) 3P/5C