



WEB COPY



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.16569 of 2022

Kumar @ Rajkumar

... Petitioner/Single Accused

Vs

The State represented by
The Inspector of Police,
Thallakulam all Women Police Station,
Madurai City,
(Crime No.11 of 2022)

... Respondent/Complainant

For Petitioner : M/s.J.Gunaseelan Muthiah, 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.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 offences punishable under Sections 5(1) read with 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.11 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/sole accused and the defacto complainant were loved each other. Since the victim girl is aged 17 years. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. The petitioner has married the victim girl and a female baby was also born to them and pray the petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted that the victim girl is 17 years and the petitioner is 29 years old. Both were get married and a baby was born to them 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, 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 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 am, 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 FIR can be registered under Section 229-A IPC.

Sd/-
15/09/2022

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



1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI CITY.

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

+1. CC to M/S.GUNASEELANMUTHIAH J Advocate SR.No.44977

ORDER
IN
CRL OP(MD) No.16569 of 2022
Date :15/09/2022

SP/SVR/SAR I/21/09/2022/3P/6C