



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18472 of 2022

Ponmani

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sriviliputhur Taluk,
Virudhunagar District.
(Crime No.23 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, Advocate.
For Respondent : Mr.M. Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

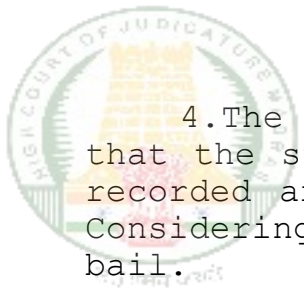
For Anticipatory Bail in Crime No.23 of 2022 on the file of the respondent police.

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 Section 376(3) IPC and Section 5(i), J(ii) r/w section 6 of Protection of Children From Sexual Offences Act (POCSO) Act, 2012 and Section 9 of the Child Marriage act, 2006 in Crime No.23 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/accused married the victim on 10.12.2020. At that time, the petitioner is aged about 26 years and the victim is aged about 17 years. Out of the said wedlock, the victim got pregnant and she gave a birth to a female child on 26.09.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioner.



4.The learned Government Advocate (criminal side) stated that the statement under Section 164 Cr.P.C. of the victim girl is recorded and the major part of the investigation is already over. Considering the gravity of the offence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the fact that the major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

6.Accordingly, 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 Sessions Judge, Special Court, POCSO Act Case, Srivilliputhur, Virudhunagar 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 Court 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 Special court/concerned 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 until further orders.

(c)the petitioner shall not tamper with 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 Special Court/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 Special Court/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/-

08/11/2022

/ TRUE COPY /

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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, 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.

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- TO
- 1 THE SESSIONS JUDGE, SPECIAL COURT POCSO ACT CASE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
 - 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIVILIPUTHUR TALUK, VIRUDHUNAGAR DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18472 of 2022
Date :08/11/2022

SKN
RS/VR/SAR.2(17.11.2022) 3P-4C