



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP(MD). No.19371 of 2022

1. Aarumugam

2. Vanapetchi

3. Velayee

... Petitioners/Accused No.2,3,4

Vs

The State Rep.by,
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
(In Crime No.24/2022)..

... Respondent/Complainant

For Petitioners : M/s.Anandakumar N,
Advocate.

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

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

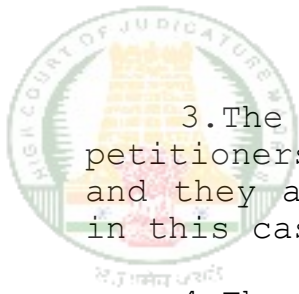
PRAYER :-

For Anticipatory Bail in Crime No.24/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 (a) IPC and 5(1) r/w. 6 and 16 r/w. 17 of POCSO Act, 2012 and 9 and 10 Prohibition of Child Marriage Act, 2006 in Crime No.24 of 2022, seek anticipatory bail.

2.The case of the prosecution that both the A1 and victim girl are minors and they loved each other and that the petitioners herein have arranged their marriage. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners have not arranged the marriage of both the victim and A1 and they are innocent and their names have been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally four accused involved in this case and both the the victim and A1 are minors and aged about 21 years and 16 years respectively. He would further submit that the petitioners only arranged marriage and the A1 was already arrested and 164 statement of victim has also been recorded. He further submitted that six witness have been examined and strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that 164 statement of the victim was recorded and also six witnesses have been examined, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Sessions Court for PocsO Cases, Srivilliputur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)each 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 a.m., until further orders;

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

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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 5560]**; and;



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

sd/-

02/11/2022

/ TRUE COPY /

/11/2022

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

trp

TO

1. THE JUDGE,
SPECIAL SESSIONS COURT FOR POCSO CASES,
SRIVILLIPUTUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-12339[I] dated
03/11/2022)

ORDER

IN

CRL OP(MD) No.19371 of 2022

Date : 02/11/2022

RK/VR/SAR-2 (15/11/2022) 3P/5C