



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19904 of 2022

Muthukalai

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Periyakulam Police Station,
Dindigul District.
Cr.No.217/2022.

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash S,
Advocate.

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

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

PRAYER :-

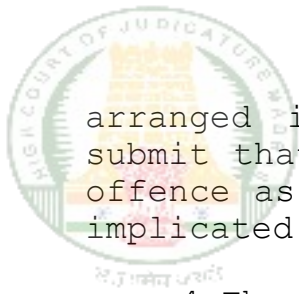
For Anticipatory Bail in Crime No. 217/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366 IPC, 9 of the Tamil Nadu Prohibition of Child Marriage Rules, 2009 and Sections 5(1), 5(j)(ii), 6 and 17 of Protection of Children from Sexual Offences Act, 2012 in Cr.No.217 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the victim girl loved each other and that their family members arranged their marriage and thereafter, she became pregnant. When she was admitted in the hospital for delivery, the present complaint has been lodged by the hospital authority stating that it is a child marriage. Hence, the complaint.

3. The learned counsel for the petitioner would submit that both the petitioner and the victim are in the same village and that they have loved each other and subsequently, their marriage was



arranged in presence of their family members. He would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the victim is aged about 16 years and the A1 is aged about 28 years. He would further submit that A2 and A3, who are the in-laws of the victim already released on bail and the 164 statement of the victim has also been recorded. He would further submit that five witnesses have been examined and the the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused have released on bail and that the 164 statement of the victim was recorded, this Court is inclined to grant anticipatory bail to the petitioner with 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 Fast Track Mahila Court, Theni 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 6.00 pm 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 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/-
11/11/2022

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/ TRUE COPY /

/11/2022

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

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT,
THENI.
2. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19904 of 2022
Date :11/11/2022

trp
USK/SSS/SAR-I/21.11.2022/3P/4C