



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/02/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3554 of 2023

Murugan

... Petitioner/Accused 4

Vs

The State rep.by
The Inspector of Police,
Pulliyankudi Police Station,
Tenkasi District.
Crime No. 128/2021.

... Respondent/Complainant

For Petitioner : Mr.S.RAGHAVENTHRE, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

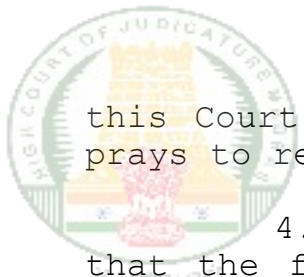
PRAYER :- For Anticipatory Bail in Crime No. 128 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(I), 6, 17 POCSO r/w Sections 9, 10, 11 of Prohibition of Child Marriage Act in Crime No.128 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.02.2021 at about 06.00 am., to 7.30 am., all the accused persons arranged marriage of the minor girl with one Singadurai/A2 and he had also physical relationship with her and the petitioner was present at the time of marriage. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged occurrence. The petitioner herein is arrayed as A8. It appears that there was a love affair between the petitioner's son and the victim and only the victim's father compelled the petitioner's son to marry the victim. In the statement recorded from the victim under Section 164 of Cr.P.C, she has made allegation as against her father that he only compelled her to get married the petitioner's son and there is no allegation against the petitioner. The co-accused has already been enlarged on bail as per the order of



this Court in Crl.OP(MD)No.5275 of 2021, dated 26.04.2021. , prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the first accused married the victim girl, with the help of other accused persons and had physical relationship with her, thereby, she became pregnant. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court and perused the statement of the victim recorded under Section 164 of Cr.P.C.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the co-accused has already been enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original 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 **Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Tirunelveli**, 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 the police officer, who intends to arrest or to the satisfaction of the learned Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge 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 everyday at 10.30 a.m., for a period of two weeks, thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with the 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 Judge/ 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 Judge/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;



CRL OP(MD).

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[f] if the accused/ petitioner thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/02/2023

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/03/2023

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

PNM

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRAIL OF POCSO ACT,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
PULLIYANKUDI POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.K.JEYAMOHAN, Advocate SR.No.2777

ORDER

IN

CRL OP(MD) No.3554 of 2023
Date :23/02/2023

SA/SAR.2/07.03.2023/3P/5C