



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3960 of 2023

1. Dineshkumar,
2. Geetha,
3. Ramanathan,

... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai District.
Crime No.69 of 2022.

... Respondent/Complainant

For Petitioners : Mr.R.Vignesh,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.69 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A who apprehend arrest at the hands of the respondent police for the offences punishable under sections 4(2), 5(1),5(n) and 6 of POCSO Act,2012 and section 9,10 of Child Marriage Act in Crime No. 69 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 and the victim who is aged about 15 years are living as husband and wife and had committed penetrative sexual assault. Further the petitioners 2 and 3 are the parents of A1 who conducted marriage for A1 and the victim girl.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the victim girl got married the first accused herein and she is minor. Both the families had performed the



marriage and on the basis of the complaint given by the welfare officer this case has been registered, hence this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act cases, Madurai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 as and when required for interrogation

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

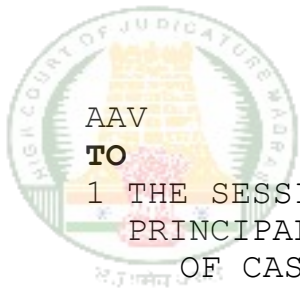
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09/03/2023

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



AAV

TO

1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, MADURAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3960 of 2023

Date :09/03/2023

SA/SBN/SAR.3/16.03.2023/3P/4C