



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.4353 of 2023

Manikandan

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
Pattukkottai Town Police Station,  
Pattukkottai, Thanjavur District.  
Crime No.1208 of 2021.

... Respondent/Complainant

For Petitioner : S.Sathyachidambaram,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1208 of 2021 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 366 of IPC r/w 5(1) r/w 6 and 4(2) of POCSO Act and Section 9 of Prohibition of Child Marriage Act in Crime No.1208 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had kidnapped the minor victim girl, aged about 17 years. Hence, the complaint.

3.Heard the learned counsel on either side. Perused the materials available on record including the FIR as well as the statement recorded from the victim girl under Section 164 of Cr.P.C.

4.It is a case of love affair. Now the victim girl attained majority and she has also married the petitioner and they are living happily. The Court below had already granted anticipatory bail to



the petitioner in Cr.M.P.No.360 of 2022, dated 22.08.2022 has failed to execute the surety in time.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner has already got anticipatory bail by the Court below, with certain conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District and Sessions Judge, Special Court for POCSO Act Cases, Thanjavur, 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 Magistrate 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 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 as and when required for interrogation;

[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].

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

sd/-

07/03/2023

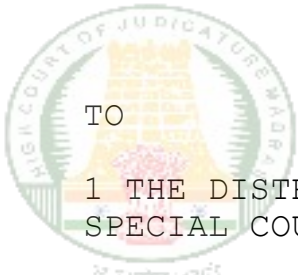
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD).



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TO

1 THE DISTRICT AND SESSIONS JUDGE,  
SPECIAL COURT FOR POCSO ACT CASES, THANJAVUR.

2 THE INSPECTOR OF POLICE, PATTUKKOTTAI TOWN POLICE STATION,  
PATTUKKOTTAI, THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4353 of 2023

Date :07/03/2023

RS//SAR-4(15.03.2023) 3P 4C