



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/03/2023
PRESENT

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

CRL OP(MD) . No.4910 of 2023

Murali

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Devathanapatti Police Station
Theni District.
(Crime No.60/2023).

... Respondent/Complainant

For Petitioner : Mr.K.ANANDAN,
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 Cr No.60/2023 on the file of the respondent police.

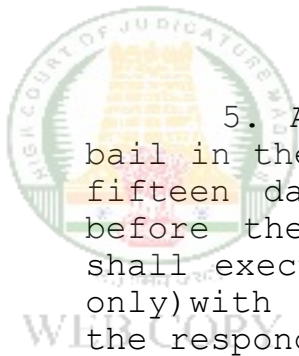
ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 366 of IPC and Section 9 of Prohibition of Child Marriage Act and section 5(i),6 of POCSO Act in Crime No. 60 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein had kidnapped the victim girl aged about 17 years and 6 months and married her, hence the case.

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

4. It is seen that the petitioner had married the victim girl and they are living happily. On perusal of the statement recorded from the victim girl, it is seen that the petitioner is none other than the cousin brother. Taking into consideration of the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:



5. 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 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 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 daily at 10.30 am., for a period of two weeks and thereafter 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.

[g] the petitioner shall register marriage with the victim girl immediately after she attains majority and produce the marriage registration certificate before the respondent police, failing which the anticipatory bail granted to the petitioner shall stand cancelled automatically and the respondent is at liberty to secure the petitioner and proceed in accordance with law.

sd/-

15/03/2023

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/03/2023

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



AAV

TO

1 THE JUDGE,
MAHILA COURT, THENI.

2 THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION
THENI DISTRICT.

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

+1. CC to K.ANANDAN Advocate SR.No.4275

ORDER

IN

CRL OP(MD) No.4910 of 2023

Date :15/03/2023

SA/CG/SAR.1/23.03.2023/3P/5C