



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.5095 of 2023

Thenmozhi,

... Petitioner/Accused No 4

Vs

THE STATE REP BY

The Inspector of Police,

Thenkarai Police Station, Theni.

(Crime No.675/2021).

... Respondent/Complainant

For Petitioner : Mr.C.T.Perumal,
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.675/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 366 of IPC and sections 9,10,11 of Child Marriage Act and sections 5(1), 5(j)(ii), 6 and 17 of POCSO Act in Crime No. 675 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused performed with the minor victim girl and had sexual intercourse with her, due to which she became pregnant. The case came to be registered on the complaint given by the Child Welfare Committee.

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

4. It is a case of child marriage. It is now reported that the victim girl attained majority and insofar as this petitioner is concerned, she is only elder sister of A1. 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 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/-
17/03/2023

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/03/2022
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,
Thenkarai Police Station, Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP (MD) No.5095 of 2023

Date :17/03/2023

KB/MMS/S-IV(24.03.2023) 3P 4C