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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5411 of 2023

1. Santhosh Prabu @ Santhoshkumar
2. Maheswari
3. Natesan
4. Gandhimathi
5. Ambethkumar
6. Bharathiraja ... Petitioners/Accused No.2 to 5, 7 and 8

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Papanasam.
(Crime No.5/2023) .

... Respondent/Complainant

For Petitioner : K. M.Karunakaran,
Advocate.

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

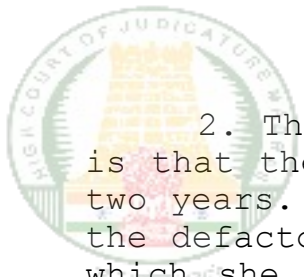
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.5/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to 5,7 and 8 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 5(1), 5(j)(ii)r/w.6 of POCSO Act,2012 and section 9,10 of Child Marriage Restraint Act, 1929 in Crime No. 5 of 2023 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the de-facto complainant is that the first accused and the victim were in love for the past two years. On 26.08.2022 the first accused had gone to the house of the defacto complainant and had sexual intercourse with her, due to which she became pregnant. Hence the petitioners along with other accused performed the marriage of the first accused with the victim girl, 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 petitioners herein are only relatives and family members of the first accused. Further the first and sixth accused were arrested and remanded to judicial custody. Taking into consideration of the facts and circumstances of the case 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, Principal Special Court for Exclusive trial of cases under POCSO Act, Thanjavur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (common 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.

sd/-
23/03/2023

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/03/2023

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

TO

- 1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PAPANASAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to K. M.KARUNAKARAN Advocate SR.No.4828

ORDER
IN
CRL OP(MD) No.5411 of 2023
Date :23/03/2023

SS/CG/SAR IV/27/03/2023/3P/5C