



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.5653 of 2023

Manikandan, ... Petitioner/Accused Rank Not known

Vs

State Rep.by

The Inspector of Police,
Vilampatti Police Station,
Dindigul.

Crime No.166/2022..

... Respondent/Complainant

For Petitioner : M/s.Manikandan P, 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.166/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 5 (1), 5(j)(ii) and 6 of POCSO Act and section 9 of Prohibition of Child Marriage Act and section 4 Tamil Nadu Prohibition of Child Marriage Act in Crime No.166 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that bot the petitioner and the victim loved each and the petitioner had committed penetrative sexual assault on her due to which she become pregnant. Hence, the complaint.

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

<https://www.hc.madras.gov.in/judis>



4. Admittedly it is seen that the petitioner fell in love with the victim girl who is aged about 17 ½ years. According to the petitioner the victim attains majority in the month of May 2022. Though they had physical relationship and eloped they got married and now the victim does not want to go with her parents and she is in home. Perusal of the statement of the victim under section 164 Cr.P.C reveals the fact that the petitioner fell in love with the victim and had physical relationship with her, due to which she became pregnant and she is in home. Further the petitioner is ready and willing to marry the victim after she attains majority. Taking into consideration the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner 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 learned judicial Magistrate Nilakottai, Dindigul District 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 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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 file an undertaking affidavit before the respondent police that he will marry 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/-
27/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5653 of 2023
Date :27/03/2023

PKP/BUC/SAR-2/31.03.2023/ **3P/5C**