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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2023

PRESENT

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

CRL OP(MD) . No.7225 of 2023

Parthiban ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Musiri All Women Police Station,
Trichy District.
In Crime No.37 of 2022.

... Respondent/Complainant

For Petitioner : M/s.M.Balamurugan,
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.37 of 2022 on the file of the Respondent Police.

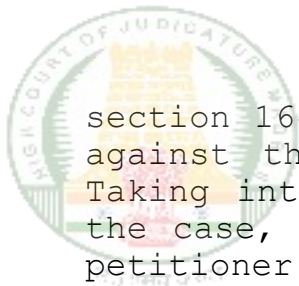
ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under section 9 and 11 of Prohibition of Child Marriage Act in Crime No. 37 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the petitioner was performed with minor victim girl by A2. After marriage only the petitioner came to know that the victim is under the age of majority.

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

4. It is seen that the petitioner got married the victim who is aged about 15 years. Thereafter the victim girl had went to her parent's house since she does not like the marriage as it was an arranged one. That apart a perusal of the statement recorded under



section 164 of Cr.P.C reveals that there is no other allegation against the petitioner to attract the provisions of POCSO Act. Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

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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, Thuraiyur 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.

sd/-

19/04/2023

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/04/2023

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

AAV



TO

1 THE JUDICIAL MAGISTRATE, THURAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, MUSIRI ALL WOMEN POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.M.BALAMURUGAN, Advocate (SR-6070[I] dated 19/04/2023)

ORDER

IN

CRL OP(MD) No.7225 of 2023

Date :19/04/2023

RS/SSS/SAR-3(25.04.2023) 3P 6C