



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . No.7313 of 2023

WEB COPY

Prakash ... Petitioner/Sole Accused
Vs

The State rep.by,
The Inspector of Police,
All Women Police Station Thallakulam
Madurai City.
Crime No. 19 of 2023.

... Respondent/Complainant

For Petitioner : Mr.P.Kannithevan,
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. 19 of 2023 on the file
of the respondent Police.

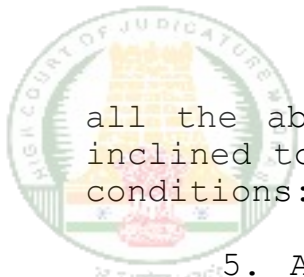
ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands
of the respondent police for the offences punishable under sections
5(1), 5(j)(ii) and 6 of Protection of Children from Sexual Offences
Act, 2012 and section 9 of Prohibition of child Marriage Act, 2006
in Crime No. 19 of 2023 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that on 28.03.2023 the Sub
Inspector of Police attached to the respondent police received a
medical intimation from the Government Rajaji Hospital, Madurai and
found a victim aged about 16 years was pregnant,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 marriage between the petitioner and the
victim was arranged marriage. At the time of marriage the victim was
only 16 years old When the victim was admitted in the hospital for
delivery the Child Welfare Officer has lodged the complaint. Now the
victim delivered a child and the victim and the child were under
the custody of the petitioner. Taking into consideration



all the above facts and circumstances of the case this 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 Special District Court for POCSO Act Cases, Madurai 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/-

20/04/2023

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/04/2023

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

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TO

1. THE JUDGE, SPECIAL DISTRICT COURT FOR POCSO ACT CASES, MADURAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION THALLAKULAM
MADURAI CITY.

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

+1 CC to M/s. JEGADEESH PANDIAN.M, Advocate (SR-6367[I] dated
21/04/2023)

ORDER

IN

CRL OP(MD) No.7313 of 2023

Date : 20/04/2023

RK/SSS/SAR-4 (26/04/2023) 3P/5C