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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8308 of 2023

1. R.Vicneshvaran,
2. S.Tharani,
3. M.Selvamani,
4. Rajaram,
5. Nagarani

... Petitioners/Accused Nos.1 to 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Shanarpatti,
Dindigul District.
Crime No.56/2023.

... Respondent/Complainant

For Petitioners : M/s.Murugesan.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.56 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 366 of IPC r/w section 9 and 11 of Child Marriage Act, 2006 and section 5(1)(i)(ii) r/w. 6 of POCSO Act in Crime No.56 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had kidnapped the minor victim and committed sexual assault on the minor victim girl due to which she became pregnant and delivered a male child, hence the case.



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

4. It is seen that the petitioner fell in love with the victim girl and got married in the year 2019 itself when she was minor and she also gave birth to a child. Thereafter all the family members tortured her and demanded dowry and harassed her and she was driven out of the matrimonial home and now she is staying in her parents home. Taking into consideration all the above facts and circumstances of the case and also the fact that it is a case of matrimonial dispute between the parties, 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 Fast Track Mahila Court, Dindigul on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 first petitioner shall register his marriage with the defacto complainant and produce the marriage registration certificate before the trial Court at the time of furnishing sureties and on receipt of the same, the learned Magistrate shall accept the sureties furnished by the petitioners.

[b] 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.

[c] the first petitioner alone shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



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[g] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

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

AAV

TO

- 1 THE JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.
 - 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SHANARPATTI, DINDIGUL DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.MURUGESAN.P, Advocate (SR-6895[I] dated 28/04/2023)

ORDER
IN
CRL OP(MD) No.8308 of 2023
Date :28/04/2023

RS/CG/SAR-4(04.05.2023) 3P 5C