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CRL OP(MD).



23

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.8382 of 2023

Jenish,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
In Crime No.9/2023.

... Respondent/Complainant

For Petitioner : M/s.Wins T, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.9/2023 on the file of the Respondent Police.

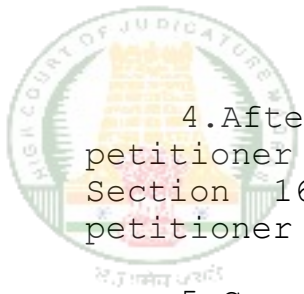
ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of I.P.C. and Sections 5(1), 6, 9(1) and 10 of POCSO Act, in Crime No.9 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the victim girl were in love and on 16.02.2023, the victim girl had eloped with the petitioner and they got married and thereafter, the petitioner. Hence, the complaint.

3.Heard. Perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/judis>



4. After attaining majority, the victim girl got married to the petitioner in a temple. On perusal of the statement recorded under Section 164 of Cr.P.C. also revealed the same. However, the petitioner shall have to register his marriage with the victim girl.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 Special Court for POCSO Act Cases, Nagercoil, Kanyakumari 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 register the marriage with the victim girl and produce the registration of their marriage certificate before the respondent police on or before 05.06.2023, failing which, the anticipatory bail already granted shall stand cancelled automatically; Thereafter, the respondent police is directed to secure the petitioner and proceed in accordance with law.

[c] the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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 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].



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

sd/-
28/04/2023

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/05/2023

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

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TO

- 1 THE SPECIAL JUDGE,
FOR POCSO ACT CASES, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8382 of 2023

Date :28/04/2023

PKP/BUC/SAR-3/09.05.2023/ **3P/4C**