



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8969 of 2023

Vignesh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai
(Crime No.32 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.32 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 5(n), 5(j)(ii), 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 in Crime No.32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.06.2022, the victim girl eloped with the petitioner and subsequently, she gave birth to a female child on 08.05.2023. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner married the victim girl, they are now living together and begotten a child. While so, the defacto complainant who is the mother of the victim girl lodged a false complaint.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would also concede to the fact that the petitioner married the victim girl and they have begotten a child.



5.Considering the fact that the petitioner married the victim girl and they have begotten a female child and are now living together, this Court is of the opinion that there is no possibility of tampering the evidence and hence, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Exclusive Trial of Cases under the Protection of Children from Sexual offences (POCSO) Act, 2012, 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 learned Judge concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police twice in a week i.e., on every Sunday and Tuesday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/05/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MBI
TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES (POCSO) ACT, 2012

MADURAI.

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

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

+1. CC to M/S.SHANKAR GANESH.R Advocate SR.No.7525 (I)
Dt.18/05/2023

ORDER

IN

CRL OP(MD) No.8969 of 2023

Date :18/05/2023

SA/25.05.2023/3P/5C