



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.8979 of 2023

Manikandan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
Crime No.17 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Venkatesh.D,
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.17 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 Section 9 of the Child Marriage Act and Sections 5(1), 5(n) and 5(j)(ii) r/w 6 of POCSO Act, in Crime No.17 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the victim girl without the knowledge of their parents and had committed sexual intercourse upon her. As a consequence, the victim girl became pregnant. Based on the complaint given by the petitioner's own sister, namely, Chellamani, the present case has been registered against the petitioner.



3.Heard. Perused the materials available on record including the First Information Report as well as the statement recorded from the victim girl under Section 164 of Cr.P.C.

4.It is seen that the petitioner got married the victim girl, who is none other than his own sister's daughter. The victim girl had love affair with another person and as such, the family members of the victim girl suddenly arranged marriage with the petitioner. Now the petitioner is disputed the pregnancy of the victim girl. Therefore, the custodial interrogation of the petitioner does not require in this case.

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 Fast Track Court, Dindigul, 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 a.m., 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].



WEB COPY

CRL OP(MD).



23

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

sd/-
06/06/2023

/ TRUE COPY /

/06/2023

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

SJI

TO

1. The Fast Track Court, Dindigul.
2. The Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH, Advocate (SR-8220[I] dated 07/06/2023)

ORDER
IN
CRL OP(MD) No.8979 of 2023
Date : 06/06/2023

NA/CG/SAR- /09.06.2023/3P/5C