



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

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11896 of 2023

1. Anburaj
2. Jeyaraj
3. Ramar
4. Prakash
5. Annathai
6. Aatheeshwaran
7. Alagarraja ... Petitioners / Accused rank not known

Vs

State rep by
The Inspector of Police,
Thenkarai Police Station
Theni District.

(In Crime No.161 of 2023.) ... Respondent / Complainant

For Petitioner : M/s.S.Vikram,
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.161 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 Section 366
of I.P.C., and Sections 5(1), 5(j)(ii) and 6 of POCSO Act @ Section
366 of I.P.C. and 5(1), 5(j)(ii) and 6 of POCSO Act r/w Sections 9 and



10 of Child Marriage Act, in Crime No.161 of 2023 on the file. The respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused, by giving false promise to marry the victim girl loved, had sexual intercourse with her on many times. But the parents of the accused not accepted their marriage and hence, the first accused took the victim girl and left the house. Thereafter, on 29.04.2023, the first accused who came to Periyakulam and called the defacto complainant over phone stating that the victim girl having stomach pain. Immediately, the defacto complainant taken the victim girl to the hospital through Auto and showed her daughter to the Doctor and the Doctor informed that her daughter got abortion and need to take treatment immediately and then the defacto complainant admitted the victim girl in the hospital for treatment. Hence, the case.

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

4.It is seen that the first accused was already arrested and remanded to judicial custody. The petitioners are the relatives of the first accused and they arranged marriage between the first accused and the victim girl.

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

6.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 learned Mahila Court cum POCSO Cases Court, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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 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.

[b] the petitioners shall report before the respondent Police, as and when required for interrogation;

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



[d] the petitioners 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 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].

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

sd/-
30/06/2023

/ TRUE COPY /

/07/2023

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

SJI

To

1.The Mahila Court cum POCSO Cases Court,
Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Thenkarai Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11896 of 2023
Date :30/06/2023

ED/ /SAR- (10/07/2023) 3P 5C