



CRL OP(MD). No.12229 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12229 of 2023

Dhanish

... Petitioner/Sole Accused

Vs

The State, represented by
The Inspector of Police,
All Women Police Station,
Colachel, Kanyakumari District.
(Crime No.17 of 2023).

... Respondent/Complainant

For Petitioner : Mr.E.Brijesh Kishore,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

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.



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ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(i), 5(j)(ii) and 6 of POCSO Act, 2012, 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 defacto complainant had love affair with the petitioner and accordingly on 16.09.2022, the petitioner went to the house of the defacto complainant, when she was alone, made a promise with her that he would marry her, made sexual intercourse with her. Due to that, she got nine months pregnant and stomach pain and accordingly, she was admitted in Government Hospital, Kuzhithurai and gave birth to a male child. Thereafter, the said incident was informed to the respondent Police from the hospital and the respondent Police came there for enquiry and after receiving a complaint from the defacto complainant.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were having love affair with each other and due to that, the petitioner has also married her in the presence of the villagers in a Temple. Due to the



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said wedlock, the defacto complainant gave birth to a male child.

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4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that it is a case of elopement and now the victim is living with the petitioner along with her child.

5. The victim's father is present before this Court and stated that the petitioner is having care of victim and child and he is not doubting the act of the petitioner.

6. Perusal of CD file shows that the victim girl has given a statement that she is aged about 18 years and is living with this petitioner along with her child without any problem. On that ground, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Judge for POCSO Act Cases, Nagercoil, Kanyakumari, 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



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Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
28/07/2023

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/08/2023
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.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.12229 of 2023
Date :28/07/2023

RK /MMS(04/08/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023



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