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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14200 of 2023

Manikandan

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.
(Crime No.21 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Appaji.C.K.M,
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.21 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhcc.madras.gov.in> 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 Protection of Child from Sexual Offences Act, 2012, in Crime NO.21 of 2023, the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim was aged about 17 years. She loved this petitioner for about two years. When the above said matter was came to the knowledge of the defacto complainant's mother, she warned the victim girl and the petitioner. The victim girl left the house on 10.08.2022 and went along with this petitioner. Later, she became pregnant. She was taken to the hospital. At the time of admission, finding that she is aged below the prescribed age of 18 years, complaint has been given. Based upon which, case has been registered.

3. It appears that during the course of investigation, statement of the victim was recorded she stated that there was no problem between this petitioner and her after their marriage. She gave birth of one male child.

4. Even though the victim was aged about 17 years at the time of alleged marriage, Since there was no issue between the victim and this petitioner and he has given undertaking to take care of the child and the wife, who is the victim, this Court



is inclined to grant anticipatory bail to the petitioner.

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5. 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 Sessions Judge, Special Court for Exclusive Trial Cases under POCSO Act, Kanniyakumari District at Nagercoil, 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 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.

6. The petitioner 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/-

03/08/2023

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/08/2023

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



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

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-11878[I] dated 07/08/2023)

ORDER
IN

CRL OP(MD) No.14200 of 2023

Date :03/08/2023

SS/BUC/21/08/2023/4P/5C

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