



CRL OP(MD). No.17537 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17537 of 2023

Aarthy Kannan

... Petitioners/ Accused No.1

Vs

The State represented by
The Inspector of Police,
All Women Police Station, Srivaikundam,
Thoothukudi District
Crime No.8 of 2023..

... Respondent/Complainant

For Petitioner : Mr.Navaneetharaja.K,
Advocate.

For Respondent : Mr.S. Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Child Marriage Act r/w. 5(i) of POCSO Act, 2012 in Crime No.08 of 2023 on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD). No.17537 of 2023

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2. The case of the prosecution is that the defacto complainant lodged a complaint before the Child Helpline Member, her date of birth is 01.05.2005. She has love affair with one Paul Sudhakar, for which, her parents warned her and arranged an engagement with the defacto complainant and her maternal uncle and their marriage was performed on 22.05.2023. Thereafter, she called her lover and eloped with him. Thereafter, she gave a complaint before the respondent police. Hence, the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is a maternal uncle to the defacto complainant and when, they have to know about the behaviours of the defacto complainant, advised her to breakup the relationship with the said Paul Sudhakar and in such circumstances, without the knowledge of her parents, she eloped with the said Paul Sudhakar. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that there was a love affair between the defacto complainant and said Paul Sudhakar and the same was opposed by the petitioner and others and the co-accused have already released on bail. He would further submit that the investigation of the case is pending and



CRL OP(MD). No.17537 of 2023

hence, strongly objected to grant anticipatory bail to the petitioner.

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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the fact that the de facto complainant was love affair with one Paul Sudhakar and the same was opposed by the petitioner and her parents and that she has given a complaint, already Co-accused were released on Anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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 Special Sessions Court for POCSO Cases, Thoothukudi 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 on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.



CRL OP(MD). No.17537 of 2023

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[d] 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].

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

sd/-
29/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE SPECIAL SESSIONS JUDGE
FOR POCSO CASES, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). No.17537 of 2023

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+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-14611[I] dated 04/10/2023)

ORDER

IN

CRL OP(MD) No.17537 of 2023

Date :29/09/2023

SS/DD/05/10/2023/5P/5C

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