



CRL OP(MD). No.17587 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/10/2023

PRESENT

The Hon'ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.17587 of 2023

M.Uthayakumar,

... Petitioner/ Accused No.8

Vs

**The State rep. by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No.3 of 2023.**

... Respondent/ Complainant

For Petitioner : Mr.L.Siva,Advocate.

For Respondent : Ms.M.Aasha, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/A8 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 9, 10 of Child Marriage Act, 2006 and Section 5(1), 5(j), (ii), 6, 16, 17 of POCSO Act, in Crime No.3 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.07.2020, a marriage was solemnized between the petitioner and the minor child, who was aged about 17 year at the time of marriage. Out of their wedlock, now, the minor child gave birth to a male child. The above stated facts were found on 10.02.2023 during enquiry. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that on 12.07.2020, the petitioner, who was 35 years, married the minor

<https://www.mhc.tn.gov.in/judis>



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child, who was 17 years. Hence, she strongly opposed to grant anticipatory bail.

5. Considering the 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 Special Court for POCSO Act Cases, Madurai 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 Judge 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 Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

[b] the petitioner shall appear before the trial Court on summons.

[c] the petitioner shall not tamper with evidence or witness either during



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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].

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

sd/-
03/10/2023

/ TRUE COPY /

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

SKN
TO

- 1 THE SPECIAL JUDGE
FOR POCSO ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.



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3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.SIVA, Advocate (SR-14556[I] dated 03/10/2023)

ORDER
IN
CRL OP(MD) No.17587 of 2023
Date :03/10/2023

PKP/DD/SAR- /09.10.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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