



CRL OP(MD). No.19761 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. Murugan

2. Masanam

... Petitioners/ Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin District.

Crime No.182 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Karthick.R.J,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.182 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 363 IPC and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and Sections 7 r/w. 8 of POCSO Act, in Crime No.182 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to love affair, A1 had eloped with the victim girl, who is aged about 17 years. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are parents of A1 and they are innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that it is a case of love affair and the A1 has already arrested and released on bail and the petitioners herein are parents of A1. He further contended that the investigation of the case is pending and hence, strongly objected to granted bail to the petitioners.



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5. Taking into consideration the facts and circumstances of the case and that the A1 had already been arrested and released on bail and that the petitioners are only parents of A1, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 of receipt of a copy of this order, before the learned Special Court for deal with POCSO Act Cases, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m.,

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for a period of 30 days and thereafter, as and when required for interrogation.

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[c] the petitioners shall not tamper with the 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 is 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 229-A IPC.

sd/-
09/11/2023

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

trp

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- 1.The Judge, Special Court for deal with POCSO Act Cases, Thoothukudi,
- 2.The Inspector of Police,
Kulasekarapattinam Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.19761 of 2023
Date :09/11/2023

RK/DD (28/11/2023) 5P / 4C
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