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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22825 of 2022

Suresh Babu, ... Petitioner/Sole Accused Not Known

Vs

State Rep by
The Inspector of Police,
Ammal Nayakkanur Police Station,
Dindigul District.
(Crime No.278 /2022).

... Respondent/Complainant

For Petitioner : M/s. Moorthy.S,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.278/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 5(j)(5(n), 5(j)(ii), 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.278 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case was registered on the intimation from the Government Head Quarters Hospital, Dindigul that the minor victim was admitted for delivery. During the course of investigation it was found that the petitioner had married the minor victim and had lived as husband and wife due to which she had become



pregnant. Hence the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the victim and his family members are known to the petitioner and the victim's father is a drunkard and the mother of the victim finding no support to herself and the victim had arranged for the marriage of the victim girl along with the petitioner. The petitioner believing that the victim had completed 18 years had accepted the marriage proposal and thereafter they have been living as husband and wife. The petitioner without understanding the consequences of POCSO Act and Child Marriage Restraint Act had agreed for marriage and he has not committed any offence and moreover the victim had also agreed for marriage. Hence he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had married the minor victim and that they had lived as husband and wife due to which she had become pregnant.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner, with certain 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 Fast Track Mahila Court, Dindigul, 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 Magistrate 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 Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

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

[c] the petitioner shall not tamper with evidence or witness either during 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/-
05/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Judge,
Fast Track Mahila Court, Dindigul.
2. The Inspector of Police,
Ammal Nayakkanur Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.22825 of 2022
Date : 05/01/2023

TR/BUC/SAR-III(19.01.2023) 3P 4C