



CRL OP(MD) No.194 of 2024

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.194 of 2024

JEYARAM @ AJITH

... PETITIONERS/ ACCUSED

Vs

THE INSPECTOR OF POLICE
AWPS, MARTHANDAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
CRIME NO.4/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.WINS, 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.4/2023 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 alleged offence under Sections 5(l), 5(j)(ii) and 6 of POCSO Act, 2012 and Section 366(A) of IPC, in Crime No.4 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioner is that he married the minor girl. Hence, a

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case has been registered against him.

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3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that there was a love affair between the petitioner and the minor girl, who is aged about 17 years and 6 months and after attaining the age of majority, the petitioner married the girl with the blessing of their parents and they were blessed with one female child. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor as well as the respondent police appearing before this Court stated that they are not disputing the facts submitted by the learned counsel for the petitioner. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no serious allegation is made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Special Court for POCSO Act, Kanniyakumari at Nagercoil, on condition that



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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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
08/01/2024

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/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT,
KANNIYAKUMARI AT NAGERCOIL.

2 THE INSPECTOR OF POLICE, AWPS, MARTHANDAM POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.T.WINS, Advocate (SR-316[I] dated 08/01/2024)

ORDER IN
CRL OP(MD) No.194 of 2024
Date :08/01/2024

RS/JGB/SAR-(11.01.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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