



CRL OP(MD) No.1965 of 2024

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

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1965 of 2024

MANIKANDAN

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.33 OF 2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.MOHAMED HANEEF, 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.33 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence under Sections 9, 10 of Child Marriage Registration Act and Sections 5(l) r/w. 6 of POCSO Act, in Crime No.33 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the elder daughter of the defacto



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complainant eloped with the petitioner and he married the victim girl on 24.01.2023 and he had sexual relationship with her. Hence, the complaint.

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3.The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner married the victim girl with her own consent and having objection for their marriage, the defacto complainant lodged a complaint before the respondent Police. Further, as per the order of this Court, the petitioner filed an undertaking affidavit stating that after the victim girl attaining majority, he will marry her. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and the petitioner married the victim girl, who is minor. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and on perusal of the statement recorded from the victim girl under Section 164 of Cr.P.C., that the victim girl had love affair with the petitioner and on her own consent, she eloped with the petitioner, married him and had sexual relationship with him, hence, there is no serious allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be



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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 Judicial Magistrate No.I, Usilampatti, 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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



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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]; and;

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

sd/-
27/02/2024

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/03/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.I, USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-2414[I] dated 27/02/2024)



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ORDER

IN

CRL OP(MD) No.1965 of 2024

Date :27/02/2024

RS/VR/SAR-(08.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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