



CRL OP(MD) No.2720 of 2024

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

Thursday, the Twenty Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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NAVEENKUMAR

... PETITIONER/ ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 20 OF 2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MAREESKUMAR.E Advocate

For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 20 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ Accused Rank Not Known, who apprehends arrest at the hands
of the respondent police for the alleged offence under Sections 9(n), 7, 8 of Protection
of Child from Sexual Offences Act, 2012 and Section 4 & 5 of Child Marriage



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Restrained Act, in Crime No.20 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the victim girl is the daughter of A1. Since A1 misbehaved with the victim girl, the mother of the victim girl, who is arrayed as A2 performed marriage to the victim girl with the petitioner. Thereafter, due to matrimonial dispute between the petitioner and the victim girl, the victim girl left the matrimonial home. Hence, the victim girl made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the elders of family members performed his marriage with the victim girl with the consent from her. The petitioner has no knowledge about the incident happened to the victim girl six months prior to the complaint. Further, believing the words of A2 about the age of the victim girl, he married the victim girl. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State submitted that the marriage was performed by the mother of the victim girl/ A2 through broker and the investigation is still pending.

5. This Court perused the statement recorded from the victim girl under Section



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164 Cr.P.C., It appears that the marriage was performed with the consent of the elders of both the family members and there is no allegation against the petitioner. Hence, 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 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 Principal District Court for POCSO Act, Srivilliputhur, Virudhunagar District, 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 his 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 his 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;



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(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 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/-
22/02/2024

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

DSS
TO
1 THE PRINCIPAL DISTRICT JUDGE
FOR POCSO ACT,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SIVAKASI,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-2381[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2720 of 2024
Date :22/02/2024

SA/GS/SAR. /04.03.2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.