



CRL OP(MD) No.3183 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3183 of 2024

RAJKANNAN

... PETITIONER/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR.
CR.NO.05/2024

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S. M. RAMASIVA 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. 05/2024 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 and 10 of Prohibition of Child Marriage Act and

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.3183 of 2024

Section 5(1) r/w. Section 6 of POCSO Act, in Cr.No.05 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has married one Kumudha, who was under 18 years old and after the marriage, both of them went to Chennai, where, the petitioner had intercourse with the child and when they came to attend the function at Tiruchendur, the complaint was made by the defacto complainant, who is the Social Welfare Extension Officer.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and during the time of marriage, the victim girl has completed 18 years. The elders of both the families has arranged the marriage between them. Hence, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the State has produced the statement recorded under Section 164 Cr.P.C from the victim girl and submitted that the petitioner has married the victim girl, who is below the age of 18 years and had intercourse with her, without her consent.



CRL OP(MD) No.3183 of 2024

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5. This Court perused the statement recorded under Section 164 Cr.P.C from the victim girl, wherein, it has been stated that the elders of both the families have arranged the marriage between the petitioner and the victim girl and the petitioner has not forced the victim girl to marry him. Considering the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate, Tiruchendur, 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



CRL OP(MD) No.3183 of 2024

pass Book to ensure their identity;

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(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/02/2024

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/03/2024

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



CRL OP(MD) No.3183 of 2024

TO
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- 1.THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3183 of 2024
Date :29/02/2024

RK/GS (22/03/2024) 5P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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