



CRL OP(MD) No.3349 of 2024

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3349 of 2024

1 V.ANANDAVEL @ ANANTHAVEL
2 PASUPATHI

... PETITIONERS/ ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PERIYAKULAM, THENI DISTRICT.
CRIME NO. 03 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.VIKRAM 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.03 OF 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 of Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(j)(ii), 6, 17 of POCSO Act, 2012, in Crime No.3 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the victim girl is aged about 17 years. The petitioner and the victim girl were loved each other and thereafter, the victim girl eloped with the petitioner and married him. Due to that marriage, she begot a female child on 25.01.2024 with help of her mother. Hence, the case.

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 marriage between the petitioner and the defacto complainant was accepted by both the families and the defacto complainant's mother was with the defacto complainant during delivery. There is no serious allegation made against the petitioner and with consent of the victim girl, the marriage was performed between the petitioner and the victim girl. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the victim girl is aged about only 17 years. Hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case and also considering the fact that there is no serious allegation made against the petitioner and with the consent of the victim girl, the marriage was performed between the petitioner and the victim girl and the same was accepted by both the families, this Court is inclined to



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grant anticipatory bail to the petitioner.

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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 Special Sessions Court for POCSO Act Cases, Theni 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 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;



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(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/-

04/03/2024

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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 JUDGE, SPECIAL SESSIONS COURT FOR POCSO ACT CASES,
THENI DISTRICT.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PERIYAKULAM, THENI DISTRICT.

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

+1 CC to M/s.S.VIKRAM, Advocate (SR-2673[I] dated 04/03/2024)



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ORDER

IN

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Date :04/03/2024

RS/GS/SAR-(07.03.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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