



CRL OP(MD) No.3536 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3536 of 2024

SIVA

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANNIYAKUMARI DISTRICT.
CRIME NO.NOT KNOWN OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.ARAVINTHAN, Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.NOT KNOWN 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 366 and 376(3) IPC and Sections 5(l), 5(j)



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(2) and 6 of POSCO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.44 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 22.05.2023, the marriage was performed between the petitioner and one Archana, who is a minor girl and thereafter, she got pregnant and was admitted in the hospital. On verification of the age, it was found that she is below the age of 18 years. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that admittedly, at the time of marriage, the victim girl was a minor and within six months, she is going to attain majority and now she is living with the petitioner happily.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police has produced the statement of the victim girl, wherein, the victim girl has stated that she is living happily with the petitioner.

5. Considering the facts and circumstances of the case and the statement made by the victim girl, 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



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fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Judge, Nagercoil, Kanniyakumari 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;

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



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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;

(h) if the petitioner creates any problem to the victim girl, anticipatory bail granted to the petitioner shall stand automatically cancelled;

sd/-
18/03/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

- 1 THE ADDITIONAL MAHILA JUDGE
NAGERCOIL, KANNIYAKUMARI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANNIYAKUMARI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.3536 of 2024
Date :18/03/2024

PKP/GS/SAR /01.04.2024/ 5P/ 4C

Madurai Bench of Madras High Court is issuing certified
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