



CRL OP(MD). No.4319 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4319 of 2024

Anandaraj @ Anand

... Petitioner/ Accused

Vs

The Inspector of Police,
Vellanur South Police Station,
Pudukkottai District.

Cr.No.36/2024.

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate.

For Respondent : Mr.S.Manikandan, Government Advocate (Crl.Side)

PETITION FOR BAIL UNDER SEC 439 OF CR.P.C.

PRAYER :-

For Bail in Crime No. 36/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 08.02.2024 for the offences punishable under Sections 366(A) of IPC, Sections 5(1) and 6(1) of POCSO Amendment Act, 2019 and Section 9 of Prohibition of Child Marriage Act, in Crime No.36 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the minor victim girl.

Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the

petitioner and the victim girl loved each other and he has not committed any offence



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as alleged by the prosecution and he is in judicial custody since 08.02.2024. Hence, he prays for bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that it is a case of love affair. The victim girl is aged about 14 years. The petitioner and the victim girl loved each other and the same was not accepted by the parents of the victim girl. Therefore, the victim girl eloped with the petitioner and married him. The investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5.On perusal of the 164 of Cr.P.C., statement revealed that there was a love affair between the petitioner and the victim girl and the victim girl on her own volition, went along with the petitioner and married him.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing 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 learned Sessions Judge, Mahila Court (FAC), Pudukkottai, and on further conditions that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

sd/-

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Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE SESSIONS JUDGE, MAHILA COURT (FAC), PUDUKKOTTAI.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.

3 THE INSPECTOR OF POLICE, VELLANUR SOUTH POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

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Date :19/03/2024

RS//SAR-(19.03.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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