



CRL OP(MD) No.4838 of 2024

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

Wednesday, the Twenty Seventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4838 of 2024

SUDALAI

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
CRIME NO.07 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MOHAMED HANEEF.A 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.07/2024 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 punishable under Sections 366, 376(3) IPC, Sections 5(1), 5(j),



CRL OP(MD) No.4838 of 2024

5(ii), 6 of POCSO Act and Sections 9, 10 of the Prohibition of Child Marriage Act in
Crime No.07 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is minor and the petitioner loved each other and they got married on 02.11.2023. Thereafter, the petitioner had physical relationship with her on several times, due to which, she got pregnant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that in fact, the petitioner and the defacto complainant are close relatives and their was performed in the presence of the elders and family members. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation is pending.

5.The victim girl and her mother are present before this Court and the victim girl was identified by Mrs.T.Rethina Jothi, Woman Grade I Police, All Women Police



CRL OP(MD) No.4838 of 2024

Station, Kanyakumari. The victim girl and her mother stated that the marriage was performed with the consent of the victim girl and all the family members were present at the time of the marriage.

6.Considering the above facts and circumstances of the case and also considering the fact that there is no serious allegations, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner 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 Court for POCSO, Nagercoil, 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;



CRL OP(MD) No.4838 of 2024

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required;

(c)the petitioner shall report before the respondent police as and when required;

(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/-
27/03/2024

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

GNS



CRL OP(MD) No.4838 of 2024

TO
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- 1 THE JUDGE,
SPECIAL COURT FOR POCSO, NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION, KANYAKUMARI,
KANYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-3852[I] dated 28/03/2024)

ORDER
IN
CRL OP(MD) No.4838 of 2024
Date :27/03/2024

SS/VR/SAR- /04/04/2024/5P/5C

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