



CRL OP(MD).No.5112 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.04.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.5112 of 2024

Pradeep @ Antony Pradeep Gandhi

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Thoothukudi All Women Police Station,
Thoothukudi,
Thoothukudi District.
(In Crime No.36 of 2023)

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.36 of 2023 on the file of the Respondent Police.



CRL OP(MD).No.5112 of 2024

ORDER : The Court made the following order :-

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The petitioner, apprehending arrest at the hands of the respondent police in connection with the case in Crime No.36 of 2023 for the offence under Section 9 of the Child Marriage Act and Sections 5(l)(j)(ii) r/w. 6 of POCSO Act, has filed this petition, seeking anticipatory bail.

2. The case of the prosecution is that the petitioner has married the victim girl, who is aged about 14 years. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the victim girl fell in love with the petitioner and therefore, she eloped with him on 31.05.2023. Subsequently, the petitioner married the victim girl with her consent only.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has produced the statement of the victim girl recorded under Section 164 Cr.P.C., wherein, she stated that her father, who is addicted to ganja, used to quarrel with the family members daily and in order to escape from that place, she married the petitioner and she herself admitted in her statement that by projecting her age as 18 years old, she married the petitioner.



CRL OP(MD).No.5112 of 2024

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5. Considering the facts and circumstances of the case and also considering the statement of the victim girl recorded under Section 164 Cr.P.C, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 concerned learned Judge, on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each, for a like sum to the satisfaction of the learned Judge, Special Court for POCSO Act cases, Thoothukudi.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;



CRL OP(MD).No.5112 of 2024

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(iii) The petitioner shall appear before the respondent police daily at 10.30 am for a period of two weeks and thereafter shall appear as and when required by the respondent police. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
02/04/2024

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/04/2024

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

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CRL OP(MD).No.5112 of 2024

TO
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1.The Judge, Special Court for POCSO Act cases, Thoothukudi.

2.The Inspector of Police,
Thoothukudi All Women Police Station,
Thoothukudi,
Thoothukudi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-4102[I] dated 02/04/2024)

ORDER
IN
CRL OP(MD) No.5112 of 2024
Date :02/04/2024

RK/GS (05/04/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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