



CRL OP(MD). No.9977 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Sanjai,

... Petitioner/ Accused(rank not known)

Vs

The Inspector of Police,  
All Women Police Station,  
Aranthangi,  
Pudukottai District  
Crime No. 246 of 2024.

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar.T,  
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 246 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 323 IPC and Section 5(1) r/w. 6(1) of the POCSO Act and Section 9 of the Child Marriage Act, in Cr.No.246 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to love affair, the petitioner herein has eloped with the victim girl and married her and subsequently, he insisted her to inform the police that she stayed in the friend's home for the last four days. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there was a love affair between the petitioner and the victim girl and that he married her. In support of his contention he has also relied on paragraph Nos.26 and 29 of the Judgment of this Court reported in 2019(3) MLJ (crl) 110 in the case of (Sabari @ Sabarinathan @Sabarivasasn Vs. Inspector of Police and others) and seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the victim is only 15 years 10 months and the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the Judgment relied on by learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 learned Judicial Magistrate, Aranthangi 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner and 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 shall report before the respondent Police once in a week ie., on every Saturday at 10.30 am until further orders;



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(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/-  
25/07/2024

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/08/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP



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TO  
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- 1 THE JUDICIAL MAGISTRATE,  
ARANTHANGI.
  - 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
  - 3 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, ARANTHANGI,  
PUDUKOTTAI DISTRICT
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.T.LENINKUMAR, Advocate ( SR-8740[I] dated 26/07/2024 )

ORDER  
IN  
CRL OP(MD) No.9977 of 2024  
Date :25/07/2024

SS/JGB/SAR- /09/08/2024/5P/6C

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