



CRL OP(MD). No.10951 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.10951 of 2024

S.Jegan

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
AWPS Thoothukudi Police Station,
Thoothukudi 628001
(Crime No.48/2021.)

... Respondent/Complainant

For Petitioner : Mr.SMA.Jinnah, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act

PRAYER :- For Anticipatory Bail in Crime No.48/2021 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 offences punishable under Sections 498(A) of IPC and Section 5(j)(ii), 5(1) r/w POCSO Act, in Cr.No.48 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that without getting divorce from the defacto complainant, the first accused married the minor girl with the help of the other



CRL OP(MD). No.10951 of 2024

accused. Hence, the complaint.

WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the investigation has been completed and the charge sheet has been filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet has been filed before the concerned Court, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the POCSO Special Court, Thoothukudi, 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



CRL OP(MD). No.10951 of 2024

card or Bank pass Book to ensure their identity;

WEB COPY

(b)the petitioner shall report before the respondent police on every Saturday 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/-
22/07/2024

/ TRUE COPY /

/08/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA



CRL OP(MD). No.10951 of 2024

To

WEB COPY

1.The Judge,
POCSO Special Court, Thoothukudi.

2.The Inspector of Police,
AWPS Thoothukudi Police Station,
Thoothukudi - 628001.

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

ORDER
IN

CRL OP(MD) No.10951 of 2024

Date :22/07/2024

ED/ GS /SAR- (19/08/2024) 4P / 4C

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