



CRL OP(MD). No.18998 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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M.Prasanth

... Petitioner / Accused No.3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.
(Crime No.13 of 2024)

... Respondent/Complainant

For Petitioner : M/s.S.Sekar,
Advocate

For Respondent : Mr.Thanga Aravindh.B,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.13/2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 7 and 8 of POCSO Act and Sections 69 and 75 of BNS, in Crime No.13 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had love affair with the victim girl and had physical intercourse. Thereafter, the petitioner refused to marry the victim girl. Hence, the case.

3. Heard the learned counsel on either side and perused the material records of the case.

4. When the matter was taken up for hearing today, an undertaking affidavit was filed by the petitioner and the relevant portion is extracted hereunder:-

“4. I submit that the defacto complainant already major, my date of birth is 09.11.2023 and my 21st age will be completed only on 08.11.2024.

However, I am ready to marry the defacto complainant after 08.11.2024 as

already agreed by us. Hence, the custodial interrogation may not be



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necessary. However, without prejudice to my right to filing of petition for quash, I am filing this affidavit of undertaking”

5. Considering the facts and circumstances of the case and also the fact that there was a love affair between the petitioner and the victim girl and now the petitioner has undertaken to marry the victim girl, 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 on which the order copy made ready, before the learned Additional Mahila Court, Karur, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 appear before the respondent Police as and when



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required for interrogation.

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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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/11/2024

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/11/2024

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

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TO

1. The Additional Mahila Judge,
Karur.



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2. The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.

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

+1 CC to M/s.S.SEKAR, Advocate (SR-13760[I] dated 08/11/2024)

ORDER
IN
CRL OP(MD) No.18998 of 2024
Date :07/11/2024

RK/VR (21/11/2024) 5P / 5C

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