



CRL OP(MD). No.20430 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Sathieshkumar Alias Shathish Kumar,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Awps Police Station,
Pudukottai District.
(Cr. No. 9/2024).

... Respondent/Complainant

For Petitioner : Mr.S.Mahendra Pathy,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 9 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the



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respondent police for the offences punishable under sections 5(1), 5(j)(ii), 6(1), 17 & 21(1) of POCSO Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, Section 312 & 109 of IPC in Crime No.9 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that this petitioner had an affair with the victim girl and their relationship was within the prohibited relationship. They seem to have indulged in physical intercourse, as a result of which, the victim girl became pregnant. At that point of time, the parents of the petitioner and the victim girl seem to have opposed the marriage and the victim girl was taken to the doctor and the fetus was aborted. There are totally 4 accused persons in this case and the petitioner has been arrayed as A1.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. Taking into the facts and circumstances of this case and considering section 164 statement recorded from the victim girl and also considering the fact that the parties had a relationship without realising that it was within the prohibited degree



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and later, the family was opposing the marriage proposal, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory 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 Sessions Judge, Mahila Court, Pudukkottai, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police every Monday and Friday at 05.30 p.m., for a period of eight weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[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 269 of BNS, 2023.

sd/-
25/11/2024

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/11/2024

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

SM

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.



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2 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
PUDUKOTTAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20430 of 2024
Date :25/11/2024

SS/GSV/SAR- /29/11/2024/ 5P/4C

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