



CRL OP(MD). No.20368 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Karthi

... Petitioner / Accused Sole

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
All Women Police Station,
Thiruvidadaimaruthur,
Thanjavur District.
(Crime No.10 of 2024)

... Respondent/Complainant

For Petitioner : Mr.s.Gurumoorthy,
Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-For Anticipatory Bail in Crime No. 10 of 2024 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 alleged offences under Sections 5(1), 5(j)(ii) r/w. 6 of the POCSO Act and Section



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9 of Child Marriage Act, in Crime No.10 of 2024 on the file of the respondent police,
seeks anticipatory bail.

2. The case of the prosecution is that the petitioner committed penetrative sexual assault on the victim girl.

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

4. This Court carefully went through the Section 164 statement recorded from the victim girl. The victim girl has clearly stated that she had a love affair with the petitioner. When the victim girl's family came to know of it, they opposed the same. Hence, the victim girl and the petitioner eloped and married on 14.12.2023. Thereafter, they went to Tiruppur and started living there. In the meantime, the victim girl also became pregnant.

5. Taking into consideration the facts and circumstances of the case and considering the statement recorded from 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 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 Special Court in the Cadre of District Judge for Exclusive Trial Cases under POCSO Act, Thanjavur, on



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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] 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 required for interrogation;

[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



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[f] if the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-
22/11/2024

(*)Amended as per the order of this court dated
28.02.2025 in CRL MP(MD)No.2684 of 2025 in CRL
OP(MD)No.20368 of 2024.

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/ 12 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

To be substituted to the order already despatched on 09/12/2024

TO

1 THE JUDGE,

SPECIAL COURT IN THE CADRE OF DISTRICT JUDGE FOR EXCLUSIVE TRIAL
CASES UNDER POCSO ACT, THANJAVUR,

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.

3 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
THIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

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

<https://www.hmc.tn.gov.in/judis>



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+1 cc to MR.S.GURUMOORTHY, ADVOCATE, SR NO: 2248

ORDER
IN
CRL OP(MD) No.20368 of 2024
Date :22/11/2024

PSP/ GSV /SAR /05.12.2024/ 5P/ 5C

MK/ SKN /SAR /06.03.2025/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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