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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.247 of 2025

Siva

... Petitioner / Accused (Rank Not Known)

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Natham Police Station,
Natham,
Dindigul District.
(Crime No.636 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.Arjun
Advocate

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

For Intervenor : Mr.B.Jeyakumar

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

PRAYER :-

For Anticipatory Bail in Crime No. 636 of 2024 on the file of the respondent police.

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



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 Girl Missing @ 87 of BNS, Section 9 of Prohibition of Child Marriage Act -2006 and Sections 5(l), 5(n) read with Section 6 of POCSO Act in Crime No.636 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl was misled and was forcibly married by A1 and penetrative sexual assault was also committed on the victim girl. The petitioner (A2) is the parental uncle of A1 and he said to have threatened the victim girl and he was behind the entire incident. There are totally three accused persons in this case and the petitioner is arrayed as A2. A1 in this case was arrested and he is in judicial custody.

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

4. This Court went through the statement recorded from the victim girl under Section 183 of BNSS and also the confession of A1 and on the face of it, there seems to be some affair between A1 and the victim girl and the allegation against the petitioner is that, he is the paternal uncle and he threatened and got A1 married to the victim girl.

5. The learned counsel for the defacto complainant submitted that, threat



perspective continues and therefore, he opposed grant of bail to the petitioner.

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6. The learned Government Advocate submitted that, investigation is still pending and A3 is yet to be arrested.

7. Taking into consideration the facts and circumstances of the case and considering the nature of allegations made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 Special Court for POCSO Act Cases, Dindigul 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 report before the respondent police on every Friday at 10.30.a.m., for a period of four weeks and thereafter as and when 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 269 of BNS, 2023.

[g] the petitioner shall not cause any threat or disturbance to the victim girl or to her family at any point of time.

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



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TO COPY

1 THE JUDGE,
THE SPECIAL COURT FOR POCSO ACT CASES,
DINDIGUL.

2.THE INSPECTOR OF POLICE,
NATHAM,
DINDIGUL DISTRICT.
CR.NO.636/2024.

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

ORDER
IN
CRL OP(MD) No.247 of 2025
Date :08/01/2025

NBF / SKN / SAR- (03/02/2025) 5P / 4C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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