



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.4732 of 2015

WEB COPY

P.NAGARAJ

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

BATALAGUNDU POLICE STATION,

BATALAGUNDU

DINDIGUL DISTRICT.

(CR. NO. 280 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THIRUVARUTSELVAN Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.280 of 2014, on the file of the respondent police for offence under Section 366(A) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2. It is the case of the prosecution that this petitioner had abducted the daughter of the defacto complainant and hence on the complaint lodged by the defacto complainant, the present case has been registered by the respondent police on 15.09.2014. According to the defacto complainant, this petitioner had taken away his daughter on 13.09.2014.

3. Today, the learned Government Advocate (crl. side) would submit that the girl went to her grand father's house at Chennai and he has also produced a statement given by the girl. In the statement, she has stated that she was taking care of her grand father and she along with another friend went to Chennai to look out for some job and they went and worked at Chennai and on coming to know that the police are looking out for her, she voluntarily returned to her village.

4. It is seen that the Date of Birth of the girl is 28.05.1997 and



now she is 17 years and 10 months old.

5. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner, but with conditions.

6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial Magistrate, Nilakottai on executing a separate 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 and on further condition that,

(a) The petitioner shall report before the respondent police as and when required.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-
24/03/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
 - 3 THE INSPECTOR OF POLICE BATALAGUNDU POLICE STATION, BATALAGUNDU DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.THIRUVARUTSELVAN Advocate SR.No.14276