

CRL.O.P.No.12849 of 2016

S.VAIDYANATHAN,J.

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 366(A) IPC in Crime No.42 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner is alleged to have kidnapped the minor victim girl, who is the daughter of the defacto complainant.

4. Learned Counsel for the petitioner submitted that the petitioner and victim girl had a love affair and that as the parents of the victim girl opposed for the same, the victim girl on her own wish came to the house of the petitioner and the petitioner has not committed any such offence as alleged by the prosecution.

5. Learned Government Advocate (Crl. Side) submitted that the victim girl in this case has been secured and she has been sent with her parents.

6. Considering the facts and circumstances of the case and also taking note of the fact that the victim girl has been secured, **this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Kallakurichi** subject to the following conditions:

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(i) 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 Magistrate concerned;

(ii) the petitioner shall report before the respondent police daily at **10.30 a.m.** for a period of four weeks and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the 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 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]**.

05.07.2016

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