

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13659 of 2018

AJITH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM, SALEM DISTRICT.
CR.NO.10/2018

[RESPONDENT]

For Petitioner : M/S.R.NALLIYAPPAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.10 of 2018 registered by the respondent police for the offence punishable under Section 363 and 366 of IPC.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner kidnapped her daughter viz., Srileka.

3. The learned counsel for the petitioner would submit that the petitioner and the victim Srileka are known to each other and that since her mother has compelled her to marry one of her relative, she has come to the petitioner herein and thereafter, he came to know that a case has been registered against him and the petitioner himself voluntarily surrendered before the respondent. He would submit that the statement under Section 164 of Cr.P.C., of the victim girl has been recorded by the respondent, wherein, she has stated that since her mother compelled her to marry her cousin against her wishes, she had voluntarily gone along with the petitioner herein. He would also submit that there was no physical abuse made on her.

4. The learned Additional Public Prosecutor submitted that the petitioner kidnapped the minor girl Srileka, who is the daughter of the defacto complainant, aged 15 years. He would submit that the victim has been secured and the statement under Section 164 Cr.P.C., has also been recorded, wherein, she has stated that she has not been physically abused.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Salem, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM, SALEM DISTRICT.

+1 CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR.NO. 10052

CRL OP.13659/2018

Date :06/06/2018

RD 12/06/2018