

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15184 of 2018

VINAYAGAMOORTHY,

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OMALUR, SALEM DISTRICT.
CR.NO.12 OF 2018

[RESPONDENT]

For Petitioner : M/S.C.PRABAKARAN 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.12 of 2018 registered by the respondent police for the offence under Sections 363, 366(A), 294(b) and 506(i) of IPC and later altered into 363, 366 (A), 294(b) and 506(i) of IPC and Section 5(1) & 6 of POCSO Act, 2012.

2. The case of the prosecution as per the *defacto* complainant one Prema, wife of Murugan is that on 14.04.2018, her daughter Keethana, aged 17 years was found missing. Thereafter, it came to light that A1 in this case one Chinnathambi had come to her house and kidnapped her daughter.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in this case and the allegation against him is that he has assisted A1 in kidnapping the victim Keerthana. He would submit that there was a love affair between A1 and the victim and on 14.04.2018 Keerthana had eloped along with Chinnathambi (A1) and that the petitioner has been falsely implicated in this case, since he happens to be the friend of Chinnathambi (A1) only in order to harass him. He would submit that A1 has been arrested and later enlarged on bail in C.M.P.No.646 of 2018 on 21.05.2018.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is arrayed as A2, had assisted A1 in kidnapping the victim viz., Keerthana, aged 17

years, the daughter of the defacto complainant.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that A1 has been arrested and released on bail, 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 ***Sessions Judge, Mahila Court, Salem** on condition that 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 for a period of two weeks and thereafter, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/06/2018

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.

* SATISFACTION COURT AS AMENDED AS PER ORDER CRL.MP.8623/18 IN
CRL.OP.15184/2018 DATED 29/06/2018

* TIME GRANTED BY THIS COURT TO COMPLY WITH THE CONDITIONS IMPOSED
VIDE ORDER DATED 12/06/2018 IN CRL.OP.NO.15184/2018 IS EXTENDED FOR A
PERIOD OF TWO WEEKS FROM THE DATE OF RECEIPT OF AMENDED COPY OF THIS
ORDER.

TO

1 * THE SESSIONS JUDGE,
MAHILA COURT, SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OMALUR, SALEM DISTRICT.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges-Sr.10512
SR.No.11984

CRL OP.15184/2018

Date :12/06/2018

ths : 19.06.2018

ths : 04.07.2018