

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18883 of 2018

AJITHKUMAR,

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.
CR.NO.302 OF 2018.

[RESPONDENT]

For Petitioner : M/S.K.VENKATESAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, 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.302 of 2018 registered by the respondent police for the offence punishable under Sections 366, 368 of IPC and Section 9 and 10 of Child Marriage Act r/w Section 6 of POCSO Act.

2. The case of the prosecution is that on 14.04.2018 at about 8.00.a.m., one Dineshkumar (A1) had kidnapped the victim girl, aged 17 years, took her to Kaniravathankulam, Erode and married her at a Vinayagar Temple on 16.04.2018 in the presence of A2 and A3 and thereafter, taken the victim to Chennai, where the first accused and the victim lived in a house owned by the petitioner herein (A2). Thereafter, the accused returned back to Gobichettipalayam on 30.05.2018 and he was arrested at Gobichettipalayam.

3. The learned counsel for the petitioner would submit that the petitioner is the friend of Dineshkumar (A1) and that except he being the friend of A1, he has nothing to do with the alleged occurrence. He would submit that unable to find A1 and the victim, the father of the victim girl gave a complaint against the petitioner. He would submit that the first accused has been arrested and the victim girl has been secured and that the first accused has also been enlarged on bail in CrI.O.P.No.17459 of 2018 by order dated 10.07.2018 and that the parents of the first accused have also been granted anticipatory bail by this Court in CrI.O.P.No.18319 of 2018 on 23.07.2018. He would submit that the petitioner is a resident of

<http://e-services.easoft.gov.in/tc-service/> has been falsely implicated in this case on the

ground that he helped A1 to stay at Chennai along with the victim girl.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is the friend of A1, who had kidnapped the victim girl, aged 17 years. He would also submit that the first accused had been arrested and the victim girl had been secured and that the first accused has been granted bail and the parents of the first accused have also been granted anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and that the petitioner is only a friend of A1, I am inclined to grant anticipatory bail to the petitioner with certain 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, Erode, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) 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.

(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 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/07/2018

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 SESSIONS JUDGE,
MAHILA COURT, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.K.VENKATESAN Advocate on payment of necessary charges-Sr.14222

CRL OP.18883/2018

ths : 02.08.2018

Date : 30/07/2018

WEB COPY