



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15545 of 2018

SHANMUGARAJ

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
EPPOTHUVENDRAN POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CR NO. NOT KNOWN OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 363 I.P.C and Sections 11 and 12 of POCSO Act, in Crime No.65 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 15.08.2018 at about 9.45 p.m the defacto complainant, who is the mother of the victim lodged a complaint alleging that the petitioner trespassed into the defacto complainant's house and kidnapped the victim girl, aged about 17 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the victim girl and the petitioner loved with each other. She herself eloped with the petitioner. He never kidnapped the victim. Further, he would submit that the defacto complainant compelled the victim girl to marry one Balamurugan. Therefore, she eloped with the petitioner. He would further submit that the petitioner also filed an undertaking affidavit stating that whenever, the victim girl attains the age of majority, he is ready and willing to marry the victim girl. Hence, he prays for anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner and the defacto complainant loved with each other. As per victim statement, the defacto complainant compelled the victim and tried to marry with one Balamurugan. Preventing the same, the victim eloped with the petitioner.

5.Considering the facts and circumstances and also it is seen from the undertaking affidavit filed by the petitioner that the petitioner is ready and willing to marry the victim, when she attains the age of majority. Further, it is seen from the letter written by the victim that she was compelled to marry one Balamurugan and for that, she eloped with the petitioner.

6.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vilathikulam and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
09/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM.

2 -DO- THROUGH THE CHIEF,
JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE,
EPPOTHUVENDRAN POLICE STATION,
THOOTHUKUDI DISTRICT.



+1. CC to M/S.M.PRABU Advocate SR.No. 19176

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JM/PN/SAR 2/11.10.2018/3P/6C

ORDER

IN

CRL OP (MD) No.15545 of 2018

Date :09/10/2018