

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)
Monday, the Third day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12477 of 2019

KARTHIK [PETITIONER / ACCUSED]

Vs

STATE REP. BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT
CRIME NO. 14 OF 2019

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366(A), subsequently altered into 363, 366 of IPC and section 5(1) read with section 6, 17 of Protection of Child From Sexual Offences Act, 2012 in Crime No.11 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the victim girl by name Gracy studying first year course at KED Polytechnic. On 16.01.2019 at about 8.30 p.m. she came out from the house informing her mother that she wants to answering natural call and thereafter, she did not turn up to home. After elaborate enquiry reveals that from the neighbours, came to know that there was an affair between A1 and the victim girl. Hence, he suspects that A1 by name Ranjith @ Ranjith Kumar might have kidnapped his daughter, since there was an affair between them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there are totally three accused in which the petitioners are arrayed as A2 and A3. They have been falsely implicated in the Crime and except this, no specific allegations as against the petitioners and the present petitioners are noway connected to the Crime as alleged by the prosecution. Following the same, on knowing the registration of the case, A1 had voluntarily surrendered before the District Munsif cum Judicial Magistrate, Pochampalli on 08.02.2019 and he was remanded to judicial custody and thereafter, the victim was secured

and produced before the learned Magistrate, and recorded her 164 statements and she informed that they love affair and had physical relationship and thereafter, she was handed over to her parents. Therefore, the accused nos.2 and 3 pray to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) would submit that the allegation is that the victim girl kidnapped by the first accused and fell on love with the victim girl who aged about 16 years. Hence, she vehemently opposed to grant anticipatory bail to the petitioners 2 and 3.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, on condition that the petitioners 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.00 a.m. for two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
03/06/2019

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,
FAST TRACK MAHILA COURT,
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR NO.10658

CRL OP.12477/2019

Date :03/06/2019

MK:07/06/2019