



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5310 of 2019

VIJAYA SIVASUNDAR @ VISU

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.20 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.DAVID GANESAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

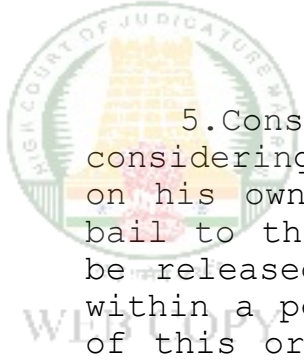
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections Girl missing @ POCSO Act 2012 in Cr.No.20 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant's daughter and the petitioner herein are lovers. On 29.01.2019 the petitioner herein went to the house of the defacto complainant and call the victim, on his request the defacto complainant's daughter went along with the petitioner and they stayed in the Valliyoor Forest for two days and thereafter they went to Kerala. On hearing the news that the defacto complainant is searching his daughter the petitioner and the victim girl went to the house. Hence the complaint

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending. He would also submit that they both are lovers.



5. Considering the facts and circumstances of the case and also considering the fact the victim had went along with the petitioner on his own volition, this Court is inclined to grant anticipatory bail to the petitioner. 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, Sathankulam Thoothukudi 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 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]**; and;

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

sd/-

27/04/2019

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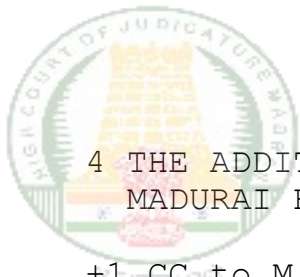
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.DAVID GANESAN, Advocate SR-7525

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ORDER

IN

CRL OP (MD) No.5310 of 2019

Date :27/04/2019

JM/PN/SAR 2/03.05.2019/3P/6C