



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22783 of 2018

NITHIN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY ITS,
THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
COLACHEL,
KANYAKUMARI DISTRICT.
(CRIME NO. 14 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.S.RAMAKRISHNA DASS Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. 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 366 (A) I.P.C, in Crime No.14 of 2018, seek anticipatory bail.

2.The defacto complainant is the mother of the victim, who had given a complaint on 13.09.2018 stating that the petitioner kidnapped the defacto complainant's daughter and thereafter, had physical intercourse with her and hence, a case has been registered. Thereafter, the victim was secured on 15.12.2018. She was examined by the learned Judicial Magistrate, Eraniel on 29.12.2018, wherein, she has stated about the educational qualification and about her love affair with the petitioner. When she expressed about her love affair to her mother, the defacto complainant arranged victim's marriage with somebody else. The victim is nursing student studying in Karungal. The marriage had taken place on 15.09.2018 between the victim and petitioner with the help of his friend. They were living in Tirunelveli for sometime. Thereafter, the victim had appeared before the respondent police stating that she would only go to Home not with her parents and she also stated that when she attains majority, she would join the petitioner.



3. Heard the learned counsel on both sides.

4. Today, the petitioner's parents filed an undertaking affidavit before this Court which forms part and parcel of this order.

5. Considering the facts and circumstances of the case and also recording the undertaking affidavit filed by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to appear before the respondent police for the purpose of medical examination as and when required, failing which the anticipatory bail shall stand cancelled. 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, Eraniel, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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/-
01/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, COLACHEL,
KANYAKUMARI DISTRICT.

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

+1. CC to MR.N.S.RAMAKRISHNA DASS Advocate SR.No.2125

ORDER

IN

CRL OP(MD) No.22783 of 2018

Date :01/02/2019

MSI/VR/SAR-III/13.02.2019-3P/6C