



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10402 of 2019

Pitchai @ Pitchaikani

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City.
(Crime No.454 of 2019)

... Respondent/Complainant

For Petitioner : M/s.B.Anandan, Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.454 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 366(A) IPC and Sections 5(1), 6 POCSO Act seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner did not commit any offence as alleged by the prosecution and he is falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police has submitted that in this case, A2 and A3 were arrested and remanded to judicial custody and the petitioner herein is the father of A3. She has further submitted that the allegation against the petitioner herein is that after kidnapping the victim



girl, the petitioner has contacted the defacto complainant over phone and informed that his daughter was kidnapped by his son(A3). Hence, she opposed this petition.

5. Taking into consideration of the fact that A2 and A3 were arrested and remanded to judicial custody and the petitioner herein is the father of A3 and that the allegation against the petitioner herein is that after kidnapping the victim girl, the petitioner has contacted the defacto complainant over phone and informed that his daughter was kidnapped by his son(A3), except the said allegation, no other allegation has been made against the petitioner herein, this Court is 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Mahila Court, Madurai 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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].

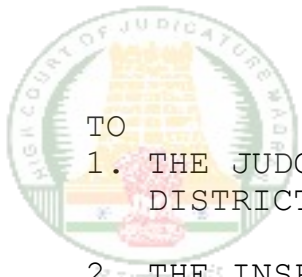
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/08/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
DISTRICT MAHILA COURT, MADURAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY.

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

+1. CC to M/S.B.ANANDAN Advocate SR.No.13308

ORDER

IN

CRL OP(MD) No.10402 of 2019

Date :08/08/2019

MS/VR/SAR-1/19.08.2019/3P.5C