



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

Date : 28/08/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11417 of 2019

M. Kathavarayan @ Karthi,

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.

(Crime No.245 of 2019).

... Respondent/Complainant

For Petitioner : M/s. M. Kumar,
Advocate.

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

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

PRAYER :-

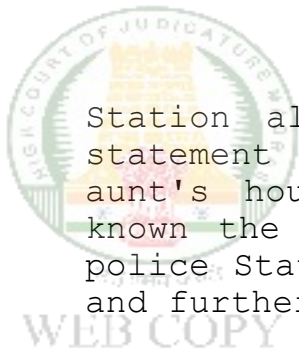
for Anticipatory Bail in Crime No.245 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 366-A of
IPC in Crime No.245 of 2019, seeks anticipatory bail.

2.Learned counsel for the petitioner has submitted that the
petitioner has not committed any offence and only on suspicion, the
defacto complainant has lodged a false complaint against the
petitioner, as if he has kidnapped his minor daughter. He further
submitted that he came to know that the victim girl appeared before
the respondent Police and gave a statement that no one has kidnapped
her and therefore, he prayed to grant anticipatory bail to the
petitioner.

3.The respondent has filed a counter stating that based on
the complaint given by one Murugesan, a case has been registered in
Cr.No.245/2019 under Section 366(A) of I.P.C. He further submitted
that on 20.07.2019, the victim girl appeared before the Police



Station along with her father (defacto complainant) and gave a statement that she had voluntarily left her house and went to her aunt's house at Dindigul on 15.09.2019 and subsequently, having known the fact that her father had lodged a complaint before the police Station, she returned to her house on 18.07.2019 at 3.00 p.m and further she has stated that she was not kidnapped by any one.

4.Considering the aforesaid submission made by the respondent in his counter affidavit, this Court is inclined to grant anticipatory bail to the petitioner, by imposing certain conditions:-

5.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 Judicial Magistrate, Manapparai, Trichy District, 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/-
28/08/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.

WEB COPY

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to MR.M.KUMAR, Advocate (SR-14296[I] dated 29/08/2019)

ORDER
IN
CRL OP(MD) No.11417 of 2019
Date :28/08/2019

VS
AE/JC/SAR-II (05.09.2019) 3P 6C