

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.6670 of 2020

Kevin Gandhi

... Petitioner

..Vs..

State rep. by its  
The Station House Officer  
VIRUDHACHALAM POLICE STATION  
Cuddalore District  
(Crime No.180 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.180 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.D.Dayalan

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 363, 366(A) IPC, 1860 in Crime No.180 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner gave a false promise to the victim girl that he will marry her and had sexual intercourse with her.

3.The learned counsel for the petitioner submitted that there was a love affair between the petitioner and the victim girl. Learned counsel further submitted that since the girl was only aged about 17 years, the elders in the village interfered and advised the parties that the petitioner can get married to the victim girl after she attains majority. The learned counsel further submitted that the petitioner undertakes to marry the victim girl after she attains majority and there is no intention to cheat the victim girl.

4.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. Taking into consideration the facts and circumstances of the case and the specific undertaking given by the petitioner that he will marry the victim girl after she attains majority, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearances, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I at Virudhachalam, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) each 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 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 as and when required for 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/06/2020

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 JUDICIAL MAGISTRATE,  
NO.I, VIRUDHACHALAM.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

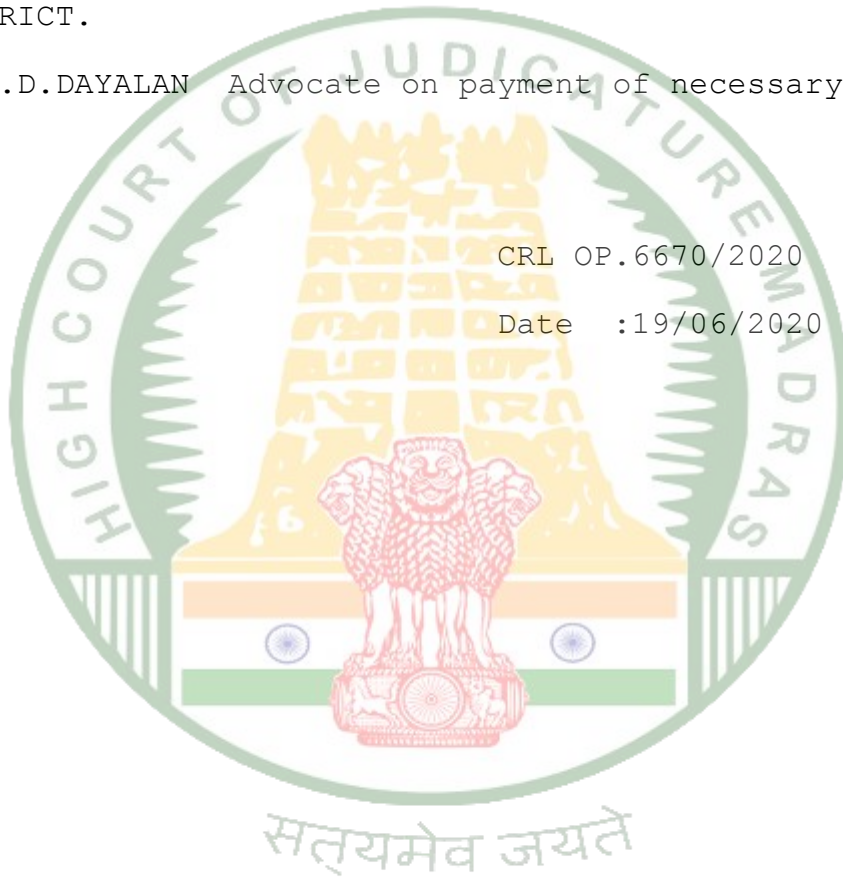
3 THE STATION HOUSE OFFICER,  
VIRUDHACHALAM POLICE STATION,  
CUDDALORE DISTRICT.

CC to M/S.D.DAYALAN Advocate on payment of necessary charges

CRL OP.6670/2020

Date :19/06/2020

cs 03/08/2020



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