



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10602 of 2020

Meganathan

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No. 6 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 363, 366 & 366(A) of IPC in Crime No. 6 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant is that her daughter aged about 18 years was abducted by A1/Parthiban.

3 The learned counsel appearing for the petitioner would submit that the petitioner is the father of the Parthiban. The said Parthiban and daughter of the defacto complainant were in love with each other and since it was opposed by the defacto complainant and their family members, both of them have eloped. He would submit that after registration of the case both of them came back and the victim girl refused to go back along with her mother since she being a major, aged 18 years. The father of A1 is not aware of the love affair between A1 and the daughter of the defacto complainant and he has been unnecessarily arrayed as an accused in this case and as if he has assisted his son.



4 The learned Additional Additional Public Prosecutor appearing for the respondent would submit that petitioner's son had abducted the daughter of the defacto complainant. Further, he would submit that the girl has been secured by the respondent police and she has also refused to go along with the defacto complainant and she is now living with the family of the petitioner.

5 Taking into consideration the facts and submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Denkanikottai, on condition that the petitioner shall execute a separate 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, 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 every day at 10.30 a.m., for a period of one week and thereafter 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



7. With the above directions, this Criminal Original Petition is ordered.

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-sd/-
16/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTORE OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI, DRISHNAGIRI DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10602/2020

Date :16/07/2020

RVR 04/09/2020