

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14117 of 2020

K.Vengatesh,
S/o.Kaveri

... Petitioner

Vs.

The State by:

The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.

Crime No.350 of 2019 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to grant bail to the petitioner in the event of his arrest in Crime
No.350 of 2019 on the file of the respondent police.

For Petitioner : Mr.J.Bharathi Raja

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 363 &
366 of IPC r/w Sections 9 and 10 of the Child Marriage Restraint Act,
1929, in Crime No.350 of 2019, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant
viz., Alagesan is that on 09.11.2019 his daughter went missing. The
de-facto complainant later found that the petitioner with the help of
his brother kidnapped his daughter, who was a minor girl. Hence the
complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has been falsely implicated

in this case. He would further submit that the de-facto complainant on coming to know that her daughter viz., Sandhiya is in love with the petitioner, he forced her to marry someone else against her wish. Hence, she left her house on her own volition, but the de-facto complainant has given a false complaint against the petitioner that he kidnapped his daughter. Thereafter, the de-facto complainant's daughter was secured and 164 statement was recorded before the Magistrate, wherein she has stated that she was not kidnapped by anyone and she left the house on her own. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the de-facto complainant made a complaint that the petitioner kidnapped his daughter. Later, the victim girl was secured and 164 statement was recorded, wherein she stated that she left her house on her own. He would further submit that investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels appearing on either side and perused the 164 statement.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Additional Mahila Court, Dharmapuri, 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 for a period of one week and thereafter, as and when required for the interrogation period.

[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.

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

-sd/-

10/09/2020

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 ADDITIONAL MAHILA COURT
DHARMAPURI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MATHIKONPALAYAM POLICE STATION,
DHARMAPURI.

+1CC to M/S.J.BHARATHI RAJA Advocate on payment of necessary charges sr no.6215

WEB COPY

CRL OP.14117/2020

Date :10/09/2020

RD 18/09/2020