

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16943 of 2020

Premkumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thingalur Police Station,
Erode,
Erode District.
Crime No.286/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner on bail in the event of his arrest in Crime No.286 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Thirumalai

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 Section 366 of IPC, in Crime No.286 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 the petitioner kidnapped the daughter of the defacto complainant aged about 17 years. 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 due to misunderstanding with her father, the victim has gone away from home, whereas, the father of the victim was suspecting that the victim was having friendship with the petitioner. Therefore, a false case has been given as if the petitioner had kidnapped his minor daughter. He would submit that the victim has been secured and he understand that the statement has been recorded from the victim girl, wherein, she had

stated that she had gone on her own volition along with her friends to Bangalore, and she had come back and now the victim is lodged in home. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the allegation against the petitioner is that the petitioner had kidnapped the minor daughter of the defacto complainant, aged about 17 years. He would further submit that the statement has been recorded from the victim girl wherein, she had stated that she had gone on her own volition because the father of the victim girl compelled her to marry some other person. Therefore, she had eloped from home and gone along with her friends to Bangalore. Later, the victim is now lodged in home. However, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record.

6. 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;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Judicial Magistrate Court-I, Perunthurai, Erode 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 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 daily at 10.30 a.m., for a period of one week and thereafter as and when required.

[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/-
09/11/2020

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 PERUNTHURAI, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THINGALUR POLICE STATION,
ERODE, ERODE DISTRICT.

+1 CC to M/S. B.THIRUMALAI Advocate on payment of necessary charges SR.No.7446

CRL OP.16943/2020

Date :09/11/2020

cs 20/11/2020