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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8352 of 2020

Eattu @ Kasthuri

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Musiri,
Trichy District.
Cr.No.16 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Totally there are nine accused in this case. The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under Section 363 of IPC and Sections 9 and 11 of Prohibition of Child Marriage Act and 5(I) r/w 6 of POCSO Act 2002, in Crime No.16 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons are said to have kidnapped the minor girl, namely, Kavitha for the purpose of getting married to the first accused, namely, Kanthasamy. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was only present in the scene of occurrence and no other overt act is attributed against this petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that A-1 in this case was detained under Act-14 and the similarly placed accused namely, A-2 to A-5 and A-6 were released on anticipatory bail by this Court.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence is said to have taken place in the year 2019 and the co-accused were already released on anticipatory bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)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]**; and;

(f)if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

12/08/2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE, MAHILA COURT, TRICHY.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8352 of 2020
Date :12/08/2020

SJI
TE/PN/SAR-II : 14/08/2020 : 3P/4C