



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8910 of 2020

Bala Murugan

... Petitioner/sole Accused

Vs

The State Rep. by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
Cr.No.408 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Mohan,
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.408 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 366(A) of IPC and 9(L) r/w 10 of POCSO Act, in Crime No.408 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, who is aged about 16 years, had fallen in love with the petitioner. Thereafter, the petitioner said to have kidnapped the victim girl for the purpose of getting marriage. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4. The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl are close relatives and both of them loved each other and the victim girl has voluntarily gone along with the petitioner, and they were stayed in the friend's house. Thereafter, the victim girl has been secured by the respondent police and there is no sexual assault made by the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and the victim girl are relatives and both of them loved each other. Thereafter, they eloped and left their house and stayed their friends' house for 10 days. Based on the complaint given by the parents of the victim, initially the case has been registered for the offence under Section 366(A) of IPC. Now, the victim was secured. Since the victim is minor, the case has been altered into under Section 366(A) of IPC and 9(L) r/w 10 of POCSO Act.

6. On perusal of the records including the statement of the victim girl given under Section 164 Cr.P.C. to the learned Judicial Magistrate, reveals that the victim girl on her own volition left her home and there is no allegation of sexual assault made by the petitioner.

7. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

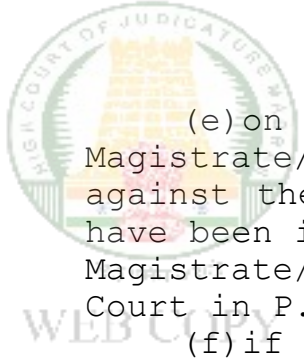
8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/09/2020

/ TRUE COPY /

/ /2020

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 JUDICIAL MAGISTRATE,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8910 of 2020

Date : 01/09/2020

VSG

TE/PN/SAR-IV : 08/09/2020 : 3P/5C