



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9079 of 2020

Raman

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.
(Crime No.Not known of 2020).

... Respondent/Complainant

For Petitioner : Mr.A.V.Arun,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

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

PRAYER :-

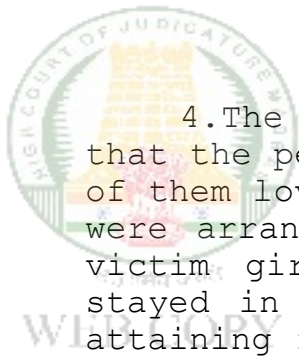
For Anticipatory Bail in Crime No.Not Known of 2020 on the file of the Respondent police.

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 363 and 366 of IPC, in Crime No.Not Known of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is the father of the victim girl and the allegation against the petitioner is that the petitioner said to have kidnapped the victim girl on 17.08.2020. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal 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. Thereafter, the parents of the victim girl were arranging marriage with some other person. Due to which, the victim girl has voluntarily gone along with the petitioner and stayed in the petitioner's house. He further submitted that after attaining majority, the victim girl has married the petitioner and they are living happily. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and the victim girl have appeared before the respondent Police and the victim girl has given a letter stating that the victim girl on her own volition, she left her home and after attaining majority, she has married the petitioner.

6.Considering the rival submissions and perused the records.

7.On perusal of the records including the letter of the victim girl given to the respondent police, states that the victim girl on her own volition left her home and after attaining majority, the victim girl has become major and married the petitioner.

8.Considering the facts and circumstances of the case and also considering the fact that the victim girl on her own volition left her home and after attaining majority, she has married the petitioner and there is no serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

9.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, Alankudi, Pudukottai District, 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
<https://hccourtscorpus.in/hccservices> 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/-
16/09/2020

/ 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,
ALANKUDI, PUDUKKOTTAI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VADAKADU POLICE STATION,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.S.J.CHAKKARAVARTHY, Advocate(SR-17173 dated 16/09/2020)

ORDER IN
CRL OP(MD) No.9079 of 2020
Date :16/09/2020

VSG

<https://hccs.ces.copn.gov.in/Reserve/> 18.09.2020/ 3P/6C