



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/09/2020

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PRESENT

**The Hon'ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.9349 of 2020

1.Ramasamy @ Rathinavel  
2.Kannammal

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by  
The Inspector of Police,  
Reddiyarchatram Police Station,  
Dindigul District.  
(Crime No.930 of 2020)

... Respondent/Complainant

For Petitioners: Mr.K.Gokul,  
Advocate.

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

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

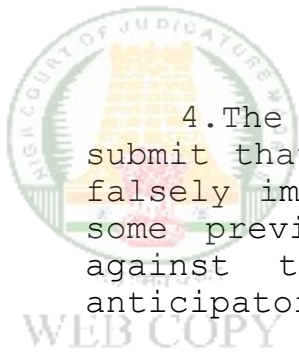
PRAYER :- For an Anticipatory Bail in Crime No.930 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offence punishable under sections 147, 363 and 506(i) of IPC r/w Section 7 and 8 of Protection of Children from Sexual Offences Act, 2012 in Crime No.930 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner said to fall in love with the victim girl who is a minor and kidnapped her for the purpose of getting marriage. Hence, a complaint has been registered.

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



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that due to some previous enmity, the defacto complainant gave a complaint against the petitioners and hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the minor victim girl is aged about 16 years. He would further submit that, based on a complaint given by the father of the minor victim girl, accused persons were arrested. He would further submit that the victim girl has also given a statement under Section 164(5) of Cr.P.C. before the learned Magistrate and it could be seen that the minor girl, on her own wish, came out of her parents' house. He would further submit that, the minor girl has secured and she is now in the custody of her parents.

6. From the statement of the victim girl given under Section 164(5) of Cr.P.C., it could be seen that the victim girl, on her own wish, came out of her parents' house and also considering the fact that now the minor girl has been secured and she is now in the custody of her parents, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ottanchathiram, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as on when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
04/09/2020

/ 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,  
OTTANCHATHIRAM, DINDIGUL DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,  
REDDIYARCHATRAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.9349 of 2020  
Date : 04/09/2020

MS/PN/SAR-3/10.09.2020/3P.5C