



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

Date : 29/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9899 of 2020

P.Sonai

... Petitioner/(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Theppakulam Police Station,
Madurai District.
Crime No.Not Known of 2020.

... Respondent/Complainant

For Petitioner : Mr.D.Anbarasu,
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

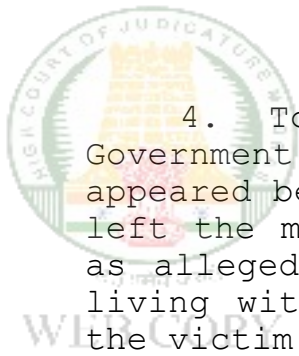
For Anticipatory Bail in Crime No.727 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section Woman
Missing seeks anticipatory bail.

2. Heard both sides.

3. Petitioner is the father and the defacto complainant is the
husband of the victim girl. The case of the prosecution is that
the marriage between the victim and the defacto complainant took
place on 04.11.2019, which is a love marriage. Since the petitioner
and the other family members opposed the marriage the defacto
complainant forcibly abducted the victim girl and got married.
Hence the complaint.



4. Today, when the matter is taken up for hearing the learned Government Advocate(Crl.Side) submitted that the victim girl appeared before the respondent police and stated that she on her own left the matrimonial home and the petitioner has not abducted her as alleged by the defacto complainant and now on her own volition living with her parents and also produced the statement given by the victim.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the victim on her own volition left the matrimonial home and living in her parents home, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Madurai 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/09/2020

/ 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, MADURAI.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9899 of 2020
Date :29/09/2020

AAV

AE/VR/SAR-II (05.10.2020) 3P 5C