



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

Date : 29/09/2020

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PRESENT

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

CRL OP(MD). No.10033 of 2020

1.Kottaichamy  
2.Moohambika

... Petitioners/Accused  
Rank Not Known

Vs

The State rep.by  
The Inspector of Police,  
Sayalkudi Police Station,  
Ramanathapuram District.  
Crime No.370 of 2020.

... Respondent/Complainant

For Petitioners : M/s.R.Anand,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No. 370 of 2020 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under section Women Missing seek anticipatory bail.

2. Heard both sides.

3. The defacto complainant is the father of the victim girl. The case of the prosecution is that the daughter of the defacto complainant by name Moohambika was abducted by the first petitioner herein for the purpose of getting marriage, hence a crime has been registered.

4. Today, when the matter is taken up for hearing the learned Government Advocate(Crl.Side) would submit that now the victim girl appeared before the respondent police and given a statement stating



that she was not abducted by the first petitioner and she on her own volition left the parental home and now living with the first petitioner. The said statement is also produced before this Court.

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

6. 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, Kadaladi, Ramanathapuram District on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 and 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 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

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/ /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.

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TO

- 1.THE JUDICIAL MAGISTRATE,  
KADALADI, RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,  
SAYALKUDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.10033 of 2020  
Date :29/09/2020

AAV  
TK/PN/SAR.4/03.12.2020/3P/5C