



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

Date : 23/09/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) .No.10129 of 2020

Ajith @ Ajithkumar

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District,
Cr.No.178 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
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.178 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 section Girl Missing @ 366 IPC r/w Sections 5(i), 6 of POCSO Act, in Crime No.178 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner said to have kidnapped the victim girl, who is aged about 17 years, for the purpose of getting marriage. Therefore, based on the complaint given by the brother of the victim girl, the present case has been registered. Initially the case has been registered for the offence under Section Girl Missing. After investigation, the case has been altered into Section Girl Missing @ 366 of IPC r/w Sections 5(i), 6 of POCSO Act.



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 would submit that the petitioner and the victim girl are loved each other and her own wish she came out of her parents' house and asked the petitioner to marry her. Thereafter, the petitioner took the victim girl to her house. He further submitted that the petitioner is an innocent and he has been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) would submit that victim girl is the minor aged about 17 years. The petitioner had kidnapped the victim girl with an intention to marry her. Based on the complaint given by her brother, the case was registered. He would further submit that the minor victim girl has also given a statement under Section 164(5) of Cr.P.C.

6. On perusal of the records including the statement of the victim girl given under Section 164(5) Cr.P.C. to the learned Judicial Magistrate, reveals that both the petitioner and the victim girl loved each other and on her own volition she left her home and stayed in a petitioner's house for two days.

7. Considering the facts and circumstances of the case both the petitioner and the victim girl loved each other and her own wish she came out of her parents' home and joined with the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with 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 Special Court for POCSO Act Cases, Tirunelveli, 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



(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/-
23/09/2020

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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 SPECIAL JUDGE FOR POCSO ACT CASES,
TIRUNELVELI
2. THE INSPECTOR OF POLICE
PAZHAVOR POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10129 of 2020
Date : 23/09/2020

vsd
PK/VR/SAR-2/28.09.2020 : 3P/4C