



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10215 of 2020

Ajithkumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Aundipatty Police Station,
Aundipatty,
Theni District.
(Crime No.389 of 2020)

... Respondent/Complainant

For Petitioner : M/s.R.Manoharan, 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 an Anticipatory Bail in Cr.No.389 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections Girl Missing @ 366 of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that both the victim and the petitioner are in love and the petitioner herein kidnapped the victim girl for the purpose of getting marriage. Hence based on the complaint given by the mother of the victim the present case has been registered.

4. The learned counsel for the petitioner would submit that both the petitioner and the victim are in love the victim girl on her own left the parental home and now both the petitioner and the victim got married on 17.06.2020 and she has also attained majority.



5. The learned Government Advocate (Crl.Side) would submit that the victim girl appeared before the respondent police and filed an affidavit stating that she is major and they both married and living together.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the victim is major and now both the petitioner and the victim got married and living together, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Aundipatti on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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/-
24/09/2020

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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, AUNDIPATTI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE, AUNDIPATTY POLICE STATION,
AUNDIPATTY, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO M/s.R.Manoharan, Advocate, SR NO:6667

ORDER
IN
CRL OP(MD) No.10215 of 2020
Date :24/09/2020
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MS/AKM/SAR-2/28.09.2020/3P.6C