



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

Date : 08/10/2020

WEB COPY

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

**CRL OP(MD) . No.10678 of 2020**

Durai

... Petitioner/Accused 2

Vs

State rep.by  
The Inspector of Police,  
Kovilpatti West Police Station,  
Thoothukudi District.  
(Crime No.842 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Muthumalai Raja,  
Advocate.

For Respondent : Mr.R.Erottuchamy,  
Government Advocate (Crl.Side)

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

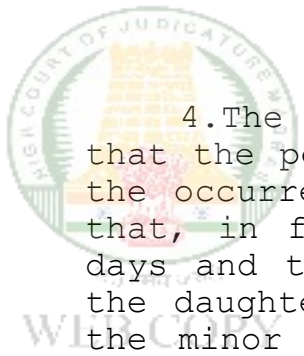
PRAYER :-For Anticipatory Bail in Crime No. 842 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 366A of I.P.C. and Section 5(L) r/w 6 of POCSO Act, in Crime No.842 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the mother of the victim girl has lodged a complaint that her 16 years old minor daughter was missing, on suspicion that one Marimuthu kidnapped the minor girl. Initially the case was registered as against the petitioner and A-1 for the offence under Section 366(A) of IPC and subsequently, altered into Section 366(A) of IPC and 5(L) r/w 6 of POCSO Act, in which the petitioner was arrayed as A-2.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that the petitioner is father of A-1 and he has nothing to do with the occurrence as alleged by the prosecution. He further submitted that, in fact, he has also searched his son for the past several days and thereafter, he came to know that his son/A-1 eloped with the daughter of the defacto complainant. He further submitted that the minor girl was secured by the respondent police and A-1 was arrested by the respondent police and remanded into judicial custody. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that totally there are two accused persons in this case and the petitioner is arrayed as A-1. He further submitted that only on the instigation of the A-2/father of A-1 the first accused kidnapped the minor girl, aged about 16 years.

6. It is seen from the records that the petitioner is arrayed as A-2. Admittedly, the first petitioner fallen love with the victim girl who is aged about 16 years and both eloped and subsequently, the victim girl was secured by the respondent police and A-1 was arrested and remanded into judicial custody.

7. Considering the fact and circumstances of the case and considering the fact that this petitioner/A-2 is father of A-1 and A-1 fallen love with the minor victim girl and both were eloped and the minor victim girl was secured and A-1 was arrested and remanded into judicial custody, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 learned Special Judge for Exclusive Trial of Cases under POCSO Act, Thoothukudi, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

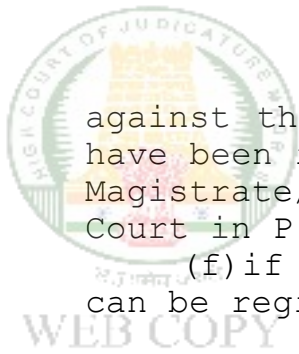
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks and thereafter, 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 concerned 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/-  
08/10/2020

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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.

TO

- 1 THE SPECIAL JUDGE FOR  
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,  
THOOTHUKUDI
- 2 THE INSPECTOR OF POLICE  
KOVILPATTI WEST POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.10678 of 2020  
Date :08/10/2020

ksa  
AE/JC/SAR-III (12.10.2020) 3P 4C