



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

Date : 02/11/2020

PRESENT

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

CRL OP(MD) . No.11756 of 2020

M.Ranjithkumar

... Petitioner/Accused No.6

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Town Police Station,
Ramanthapuram District.
(Crime No. 267 of 2019)

... Respondent/Complainant

For Petitioner : M/s.K.Sanjai Gandhi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 267 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366(A), 323, 506(1), 212 of IPC r/w Section 6 and 5(1) of POCSO Act, 2012 in crime No.267 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that a minor girl was missing and on investigation it is revealed that the first accused with the help of other accused, kidnapped the victim girl and had sexually assaulted her.

4.The learned counsel for the petitioner would submit that there are totally six accused, in which the petitioner was arrayed

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as A6. Even according to the prosecution, he helped the first accused to kidnap the victim girl. He would further submit that the first accused was arrested and subsequently released on bail and in respect of other accused are concerned, they were granted anticipatory bail.

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5.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the petitioner and other accused kidnapped the minor girl to arrange marriage between the first accused and minor girl. He would further submit that the first accused in this case was arrested and subsequently, released on bail.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was released on bail by this Court, 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 fifteen days from the date of receipt of a copy of this order, before the Mahila (Fast Track) Court, Ramanathapuram District, on condition that the petitioner shall execute 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 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 daily at 10.30 a.m., for 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/ 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.

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sd/-
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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 JUDGE, MAHILA FAST TRACK COURT,
RAMANTHAPURAM DISTRICT.
- 2.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANTHAPURAM DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11756 of 2020
Date :02/11/2020

GNS
PK/SMA/SAR-II/04.11.2020 : 3P/4C