



WEB COPY

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.12138 of 2020

Rajagopal

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Lalapettai Police Station,
Karur District.
(Crime No. 488 of 2020).

... Respondent/Complainant

For Petitioner : M/s.V.Karuna, 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.488 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366(A) of IPC in crime No.488 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on 06.09.2020, the victim girl, who is aged about 10 years old, was kidnapped by the petitioner and other accused for the purpose of getting married the victim girl to the petitioner herein. Hence, the complaint.

4. The learned counsel for the petitioner would submit that in their custom, if jute thread died to a girl, she has to marry the person, who tied the jute thread, after attaining major. For that purpose only the petitioner tied jute thread. He would further submit that the second accused in this case was arrested and released on bail.



5. The learned Government Advocate(Crl.Side) submitted that the investigation is pending. He would also submit that the second accused in this case was arrested and released on bail.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the second accused in this case was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall file an affidavit before the concerned Court and thereby undertaking that he shall not involve such kind of activities in future.

7. On such filing of affidavit, 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 Court, Karur on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two blood related 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., until further orders.

(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/-

02/11/2020

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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 JUDGE,
MAHILA COURT,
KARUR.
2. THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,
KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12138 of 2020
Date :02/11/2020

GNS
TE/SMA/SAR-III : 04/11/2020 : 3P/4C