



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD). No.13283 of 2020

Dineshkumar

... Petitioner/ Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Gandamanur Vilakku Police Station
Theni District.
Crime No.604/2020

... Respondent/Complainant

For Petitioner : M/s.K.Arunraj,
Advocate.

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

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

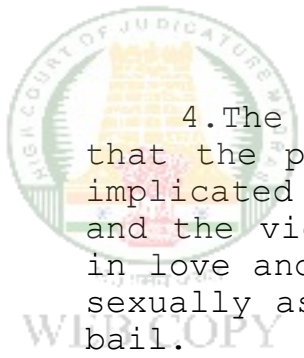
PRAYER :-For Anticipatory Bail in Cr.No.604 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under section Girl Missing @ 366A of IPC and 6 of POCSO Act, in Crime No.604 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the minor victim girl who is aged about 16 years was kidnaped by the accused and on the pretext of love. Initially, a case has been registered under Girl Missing and subsequently altered into Section 360 of IPC and 6 of POCSO Act, Hence, the complaint.

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 an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner and the victim girl are very close relatives and both of them fall in love and the petitioner never kidnapped the victim girl and never sexually assaulted on the victim girl. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the minor victim girl who is aged about 16 years fall in love with the petitioner and the petitioner kidnapped her on 26.10.2020 and now, the victim girl was secured and handed over to her parents.

6. It is seen from the records that the petitioner is a sole accused. Admittedly, the petitioner fall in love with the victim minor girl who is aged about 16 years and on her own accord she went to her cousin sister house and thereafter, she came to her house. The victim girl was compelled to make a statement before the learned Magistrate as tuted by her parents. Further, it is revealed that there was no physical relationship with between the minor victim girl and the petitioner.

7. Considering the fact and circumstances of the case and considering the submission on either side, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, 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/ 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/-
23/11/2020

/ TRUE COPY /

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

ORDER
IN
CRL OP(MD) No.13283 of 2020
Date : 23/11/2020

MS/PN/SAR-2/01.12.2020/3P.5C