



WEB COPY

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

Date : 21/12/2020

PRESENT

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

CRL OP(MD). No.15355 of 2020

Muthukumar

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
(Crime No. 24 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Banumathy.A,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

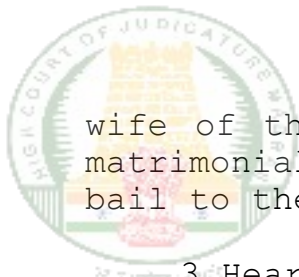
PRAYER :-

For Anticipatory Bail in Crime No. 24 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 I.P.C, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the even as per the FIR, the defacto complainant's daughter was missing on 25.08.2020 and he also searched the friend's home, relatives home, but not identify his daughter. Hence a case in Crime No.24 of 2020 under Section 366 I.P.C. He further submitted that the defacto complainant's daughter was legally married to the petitioner on 01.12.2020. After knowing the same, the defacto complainant has filed the Habeas Corpus Petition in H.C.P.(MD)No.884 of 2020 before this court and the same was allowed and the detenee is set at liberty. The defacto complainant's daughter, who is the



wife of the petitioner clearly says that she is ready to lead the matrimonial life to the petitioner. Hence, he prayed anticipatory bail to the petitioner.

3. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

4. It is seen that the father of the victim filed a Habeas Corpus Petition in H.C.P.(MD)No.884 of 2020 and the victim girl was secured and produced before the Court. She stated that the victim girl had become major on 30.1.2020 and she completed 18 years. Further she stated that she fell in love with the petitioner herein and also got marriage on 01.12.2020 and they are living together as husband and wife.

5. Considering the above facts and circumstances of the case, no question of kidnapping to attract the offence under Section 366 I.P.C. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Kanyakumari, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, who are the blood relatives, 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:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

sd/-
21/12/2020

/ /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 JUDGE, ADDITIONAL MAHILA COURT,
KANYAKUMARI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15355 of 2020
Date :21/12/2020

LS
TE/JM/SAR-III : 29/12/2020 : 3P/4C