

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1329 of 2021

1. Ramkumar
2. Ravi
3. Sumathi

... Petitioners/Accused

Vs.

The State Rep by
The Inspector of Police,
Virudhachalam Police Station,
(Crime No.17 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest, pending investigation in (Crime No. 17 of 2021) on the file of the respondent Police.

For Petitioners : Mr.S. Saravana Kumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Section 366-A of IPC, on the file of the respondent police, seek anticipatory bail.

2. Totally there are 3 accused in the case. It is alleged that A1 said to have kidnapped the minor girl aged about 15 years for the purpose of getting married and he had sexually harassed her. A2 and A3 are the parents of A1. Based on the complaint given by the mother of the victim girl, the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that the victim girl on her own volition came out of her house to marry A1. He would further submit the petitioners was not aware of the fact that the victim girl is a minor. Hence, he prays for grant of anticipatory bail for the petitioners.

4. The learned Additional Public Prosecutor would submit that the allegation is that the first petitioner is said to have love affair with the victim girl and kidnapped her for the purpose of getting marriage and he also sexually harassed her. He would further submit that now the victim girl was rescued and the statement of the victim girl is not yet recorded. Hence, he opposed to grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the rival submissions it is seen that the serious allegation is only against A1 who has kidnapped the victim girl and 164 statements is yet to be recorded from the victim girl, this Court is not inclined to grant anticipatory bail to A1. So far as second and third petitioners are concerned they are only parents of A1, this Court is inclined to grant anticipatory bail to the second and third petitioners with certain conditions.

6. Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Virudhachalam on condition that the second and third petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second and third petitioners 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 second and third petitioners shall report before the respondent police as and when required for interrogation.

[c] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the second and third petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-

16/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S. S.SARAVANA KUMAR Advocate on payment of necessary charges

CRL OP.1329/2021

Date :16/02/2021

cs 24/02/2021