

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2970 of 2021

Veerappan

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
[Crime No.49 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 his arrest in Crime No.49 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.S.C.Vishwanath

For Respondent : Mr.S.Karthikeyan
Addl.Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.49 of 2021 on the file of the respondent police for the alleged offences punishable under Section 366-A and 506(i) of IPC, is before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner is stated to be the maternal uncle of the victim

girl, aged 17 years. The allegation is that the petitioner wanted to marry the victim girl and when the parents of the victim girl refused to give her in marriage to the petitioner, he had kidnapped the victim girl, however, later on, he had left her near her house.

4. The learned counsel for the petitioner submitted that there was no such occurrence taken place and the case has been falsely foisted against him followed by a money dispute.

5. The learned Additional Public Prosecutor would submit that investigation is pending.

6. Considering the fact that the petitioner and the victim girl are closely related to each other and though the victim girl was alleged to have kidnapped, later on, she had returned home as she was left by the petitioner near her house and all other circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) 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 learned Judicial Magistrate-II, Virudhachalam, Cuddalore District, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/02/2021

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 - II,
VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

+1 CC to M/S.S.C.VISHWANTH Advocate on payment of necessary charges
SR.NO.1779.

CRL OP.2970/2021

Date :17/02/2021

EP-24/02/2021