

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4789 of 2021

P.JOSEPH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.
CR.NO.737 OF 2020.

[RESPONDENT]

For Petitioner : M/S.K.SHYAM SUNDER Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

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

2. The case of the prosecution is that the petitioner said to have kidnapped the daughter of the defacto complainant and married her. Based on the complaint given by the father of the victim girl, the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that the victim girl on her own volition came out of her house to marry the petitioner. Hence, he prays for grant of anticipatory bail for the petitioner.

4. The learned Additional Public prosecutor would submit that the petitioner and the victim girl appeared before the respondent police and given a statement that only on her own volition she came out of her house to marry the petitioner.

5. Considering the facts and circumstances of the case and the fact that the petitioner married the victim girl and they were living together as husband and wife and also considering the statement given by the victim girl that she on her own volition came out of her

house, this court is inclined to grant anticipatory bail to the petitioner with stringent 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Dharmapuri, on condition that the petitioner shall execute 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 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 petitioner and the sureties shall affix his 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 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]**.

[f] 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/-
16/03/2021

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.II, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI, [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

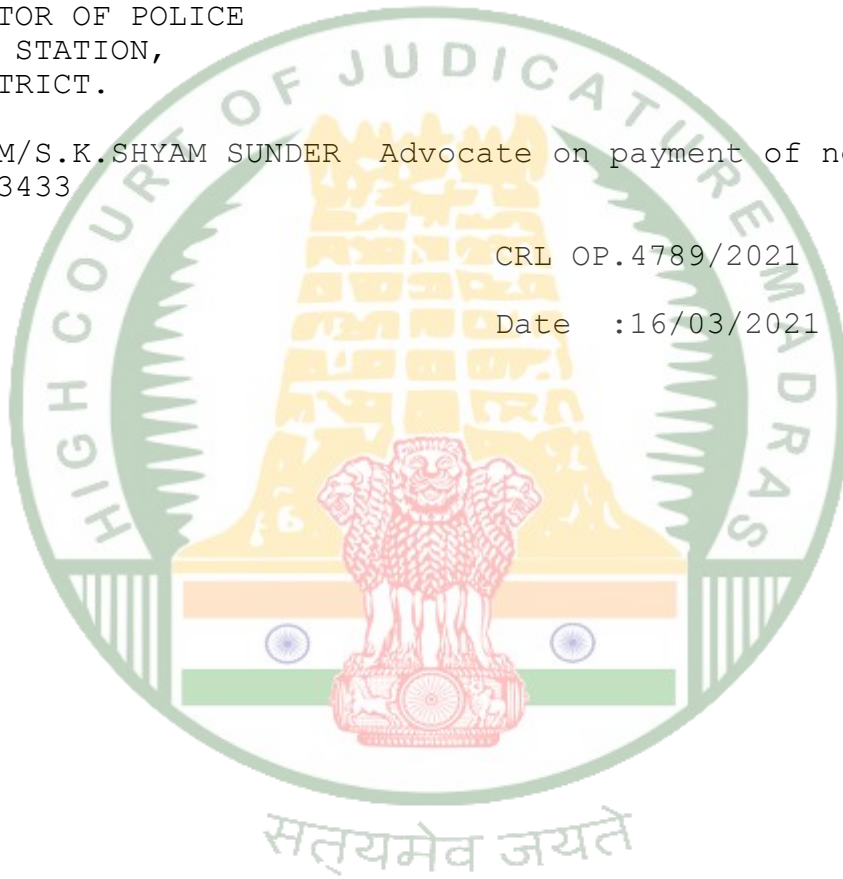
4 THE INSPECTOR OF POLICE
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S.K.SHYAM SUNDER Advocate on payment of necessary
charges SR.NO.3433

CRL OP.4789/2021

Date :16/03/2021

TA-30/03/2021



WEB COPY