

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9195 of 2021

G.Vignesh

.. Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
All Women Taluk Police Station,
Sooramangalam, Salem District.
(Cr.No.16 of 2021)

.. Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.16 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Dinesh

For Respondent : Mr.A.Gopinath
Government Advocate
(Criminal Side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police. Initially the complaint was registered under Girl Missing and subsequently, the same was altered into Section 363-A of IPC in Crime No.16 of 2021, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had kidnapped the victim girl, aged about 17 years, studying in Mahendra Polytechnic College.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. The petitioner and the victim girl are lovers. The father of the victim girl had arranged the marriage of her without her consent. Hence, she went to the petitioner and stayed with him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the victim girl has been produced before the learned Additional Mahalir Neethimandran, Salem. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that the petitioner and the victim girl are lovers. Without her consent, her father arranged marriage. Due to which, the victim girl, on her own, went with the petitioner to Chennai and stayed there. She further stated that there was no physical contact with the petitioner and they did not get married. Hence, the learned Government Advocate has no serious objection to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the petitioner has no serious allegation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 learned District Mahila Court, Salem, 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 and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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. 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
14/06/2021

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 DISTRICT MAHILA COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALM,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9195/2021

Date :14/06/2021

MK:05/07/2021

सत्यमेव जयते
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