



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.9351 of 2021

Thavasi

...Petitioner

Versus

State rep by the
The Inspector of Police,
Maruvathur Police Station,
Perambalur District.
(Crime No.163 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to grant Anticipatory Bail to the petitioner in the event of his arrest in FIR No.163 of 2021, on the file of the Maruvathur Police Station, Perambalur District.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under girl missing and thereafter altered to 363, 366 of IPC and 5(1) r/w 6 of POCSO Act, 2012 in Crime No.163 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Rajendiran is that his daughter who was studying 10th standard, was found missing on 20.04.2021. On the complainant given by the defacto complainant a case was registered for "Girl Missing" and during investigation it came to light that the petitioner had kidnapped the victim girl for the purpose of getting marriage. Hence, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner kidnapped the daughter of the de facto complainant, who is aged about 17 years for the purpose of getting marriage. He would submit that the statement under Section 164 Cr.P.C has been recorded from the victim girl.

5.Taking into consideration of the facts and circumstances and a perusal of the statement of the victim girl under Section 164 Cr.P.C, which reveals that the victim had on her own volition gone with the petitioner and got married and the further fact that the victim and the petitioner had been in love with each other, 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 Judicial Magistrate No.II, Perambalur District. 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) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and 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;

(c) 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.

(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 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]; and;



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

WEB COPY

-sd/-
12/07/2021

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,
PERAMBALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9351/2021

Date :12/07/2021

INBA 26/07/2021