



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12683 of 2021

S.GOPINATH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI
(CR.NO.325/2021)

[RESPONDENT]

For Petitioner : M/S.P.PUGALENTHI Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence punishable under Section 366A of IPC in Crime No.325 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner and the victim girl fell in love with each other, and the petitioner eloped with the minor girl under the pretext of marrying her and had sexual intercourse with her. Based on the complaint given by the mother of the victim girl, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl fell in love each other. He further submits that the victim girl on her own volition came out of her house for the purpose of marrying him. Apart from that the petitioner has not committed any offence as alleged by the prosecution. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate submitted that statement of the victim girl u/s 164(1) Cr.P.C. has been recorded, in which, the victim girl has admitted that on her own volition she left her parental home and went with the petitioner. He further submits that in the said statement under Section 164(1) she has stated nothing about her love affair and has only stated that she wants to continue her studies.

5. On perusal of the statements recorded under Section under 164 (1) of Cr.P.C, it is made clear by the victim girl that on her own volition, she came out her house to marry the petitioner.

6. Considering the facts and circumstances of the case and as per the statement of the victim girl u/s 164(1) Cr.P.C., the minor girl had admitted that she had, on her own, left her home and eloped with the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 V Metropolitan Magistrate Court, Egmore, Chennai-8, on condition that the petitioner 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 and on further condition that:

(a) 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;

(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 petitioners 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/-

03/09/2021

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 V METROPOLITAN MAGISTRATE
COURT, EGMORE, CHENNAI -8

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12683/2021

Date :03/09/2021

APN 27/09/2021