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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11575 of 2021

Ajith

... Petitioner

Vs.

1. Inspector of Police,
E-3 Minjur Police Station,
Thiruvallur District.
(Cr.No.483 of 2021)

... Respondents

2. Inspector of Police,
All Women Police Station,
Ponneri, Thiruvallur District.

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in connection with in Crime No.483 of 2021 on the file of the respondent police.

For Petitioner : Mr.S. Sasikumar

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section Girl Missing @ 366(A) of I.P.C and 5(1),5(n),6 of POSCO Act, 2012 in Crime No.483 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 and married her and had sexual intercourse with her. Based on the complaint given by the father of the victim girl, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted 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 the house and married the petitioner. Apart from that he 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 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.

5. On perusal of the statements recorded under Section under 164 of Cr.P.C., it is made clear by the victim girl that she on her own volition 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 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 Sessions Judge, Mahalir Neethi Mandram, (Fast Track Mahila Court), Thiruvallur**, 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.

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-sd/-
29/07/2021

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 SESSIONS JUDGE, MAHALIR NEETHI MANDRAM,
(FAST TRACK MAHILA COURT), THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
E3- MINJUR POLICE STATION,
THIRUVALLUR DISTRICT.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PONNERI,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.SASIKUMAR Advocate on payment of necessary charges SR.NO.7876

CRL OP.11575/2021

Date :29/07/2021

TA-06/08/2021