



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Third day of August Two Thousand Twenty One

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PRESENT

The Hon'ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.12633 of 2021

SURIYA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.
CR.NO.8 OF 2021.

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

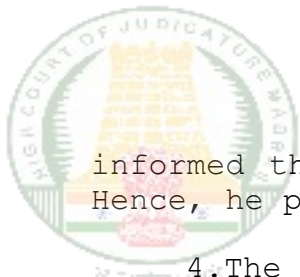
ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 363, 366 r/w 109 of IPC altered into 363, 366 of IPC and Section 7 r/w 8 of Protection of Children from Sexual Offence Act in Crime No.8 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that on 26.06.2021, the defacto complainant's daughter/victim girl Viz., Ramya was found missing from her house and her parents were made search in and around their village and unable to trace out her and suspecting the petitioner that he might have kidnapped her daughter for the purpose of getting marriage. On receipt of complaint, the respondent police registered a case against the petitioner and his family members.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner and the victim were neighbours and they were loved each other which was opposed by her parents. On 26.06.2021, she had voluntarily eloped with the petitioner. On knowing the complaint given by the defacto complainant, the girl



informed the respondent that on her own accord, she left her house. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that there was a love affair between the petitioner and the defacto complainant's daughter and at the time of occurrence, the defacto complainant's daughter was aged about 16 years. He further submits that the statement u/s 164 Cr.P.C. has been recorded from the daughter of the defacto complainant.

5. Heard both sides and perused the records including 164 statement recorded from the defacto complainant's daughter.

6. On perusal of the statement recorded u/s.164 Cr.P.C. from the girl, it is seen that the petitioner fell in love with the girl and they were eloped from their respective houses for the purpose of getting marriage. The issue being a love affair between the petitioner and the defacto complainant's daughter which has led to the filing of the complaint, 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 FTC.Mahila Court, Krishnagiri 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 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 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;



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

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-sd/-
03/08/2021

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 FAST TRACK MAHILA COURT,
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.8104

CRL OP.12633/2021

Date :03/08/2021

INBA 13/08/2021