



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15323 of 2021

ABILASH @ SANJAI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVADI, CHENNAI.
(CRIME NO.465/2021)

[RESPONDENT]

For Petitioner : M/S M.JAIKUMAR 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 :-

The petitioner, who apprehends arrest for the alleged offence under Section 366 A of IPC r/w 6 of POCSO Act in Crime No.465 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl went missing. The defacto complainant/mother of the victim girl searched for the victim girl in the nearby areas and was unable to find her. Hence the defacto complainant lodged a complaint before the respondent police. On further investigation, it was found that the petitioner and the defacto complainant were in love with each other and they eloped together. Hence, the case is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the victim girl and the petitioner loved each other and the victim girl on her own volition went along with the petitioner and also the petitioner's family is ready to arrange the marriage of victim girl with the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C and there is no serious allegation made against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C reveals that the petitioner and the victim girl loved each other and the victim girl on her own volition went along with the petitioner and there is no allegation made against the petitioner. But, the victim girl is not ready to marry the petitioner. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Thiruvallur 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:

(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 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;



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

WEB COPY

-sd/-
27/09/2021

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 MAHILA COURT,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVADI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S M.JAIKUMAR Advocate on payment of necessary charges
SR.NO.10617

CRL OP.15323/2021

Date :27/09/2021

CSK 05/10/2021