



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

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.15294 of 2021

AMIRTHARAJ

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
W16 ALL WOMEN POLICE STATION,
PULIYANTHOPE,
CHENNAI.
CR NO.1233/2020

[RESPONDENT]

For Petitioner : M/S.R.ILAYARAJA Advocate

For Respondent : THE PUBLIC PROSECUTOR

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 Girl missing @ 366(A) of IPC & 6 of POCSO Act @ 366 of IPC in Crime No.1233 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, aged about 15 years went missing. Hence, the defacto complainant/mother of the victim girl lodged the case against the petitioner before the respondent police. On further investigation it was found that the victim girl and petitioner were in love with each other. Due to the various difficulties in his job, the petitioner and the victim girl eloped together to Ariyalur and stayed for 3 days in the petitioner's house. Thereafter, the Otteri police went to Ariyalur. On seeing the Police, the petitioner ran away, whereas the Police brought back the victim girl and sent her to the Women's Home and after one week she was sent back to her home. Hence, the law enforcing agency 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 also mentioned that the victim girl on her own volition eloped with the petitioner and also there was no marriage taken place between them. However, on instructions, he further submits that the petitioner, without prejudice to his rights, on his own volition, is ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submitted that the petitioner threatened the victim girl that he will commit suicide, if she doesn't come with him . The statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the petitioner and victim girl loved each other and no marriage took place between the victim girl and the petitioner and also there is no serious allegation made against 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 The Special Principal Judge under POCSO Act, Chennai 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.

-sd/-

26/08/2021

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 SPECIAL PRINCIPAL JUDGE UNDER POCSO ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
W16 ALL WOMEN POLICE STATION,
PULIYANTHOPE, CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.R.ILAYARAJA Advocate on payment of necessary charges

CRL OP.15294/2021

Date :26/08/2021

INBA-06/10/2021