



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16621 of 2021

RAJENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO. 13 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.JAYACHANDRAN 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 Girl Missing @ into 366(A) of IPC, Section 3(a), 4, 5 (1), 6 of POCSO Act 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.13 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl is a minor and she went missing. Hence the defacto complainant / father of victim girl searched her daughter/Victim girl all over and was unable to find the victim girl. Thereafter the defacto complainant lodged a case before the respondent police. On further investigation it was found that the petitioner A1 kidnapped the victim girl and he married the victim girl with the help of the A2. Hence the law enforcing agency case registered the case against the petitioner arrayed as A2 and other accused person.



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 due to love affair, the victim girl on her own volition eloped with petitioner A1 and the marriage was solemnized in Pennagaram village. He further submits that since the petitioner A1 contacted the above petitioner arrayed as A2 multiple times on the date of occurrence, he has been falsely implicated in this case. 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 fairly conceded that there is no allegation made against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement of the victim recorded under Section 164 Cr.P.C reveals that the petitioner is only uncle of A1 and there is no allegation made against the petitioner and also the victim girl nowhere mentioned the name of 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 Additional Fast Track 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:

(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/-

20/09/2021

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 ADDITIONAL FAST TRACK
MAHILA COURT, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.10318

CRL OP.16621/2021

Date :20/09/2021

RW 28/09/2021