



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17383 of 2021

R.SIVA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.468/2021)

[RESPONDENT]

For Petitioner : M/S.R.GOPINATH Advocate

For Respondent : M/S.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 offences under Section 366A of IPC Alter to 366A of IPC r/w. 6, 5 (i) of the POCSO Act, in Crime No.468 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a love affair between the petitioner and the victim minor girl. Thereby the petitioner kidnapped the victim girl and performed marriage. Hence the complaint was registered by the Law Enforcing Agency.

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. Hence he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner kidnapped the victim girl and thereby performed marriage. Hence, he opposed grant of anticipatory bail to the petitioner.

5. This Court perused the 164 statement and on perusal of 164 statement reveals that the victim girl on her own volition went along with the petitioner and performed marriage. The petitioner also filed an affidavit before this Court agreed to marry the victim girl.



The relevant para stated in affidavit as follows:

I humbly submit that due to love affair the victim girl Miss Kalpana went out her parental home. Even after repeated request made by me she refused to go her parental home. To the shock and surprise, I came to know that she is not attaining her majority, hence, I advised her to go to her parental home. I state that we both were love with each other for several months. I hereby, undertake before this Hon'ble Court that, I am always ready and willing to marry her, after she attaining her majority with the blessings of both the family and well-wishers.

5. In view of the undertaken affidavit and on perusal of 164 statement, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Judicial Magistrate -I, Thiruvarur District** 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 his 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 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.

-sd/-

21/10/2021

WEB COPY

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 JUDICIAL MAGISTRATE,
NO.I, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.R.GOPINATH Advocate on payment of necessary charges SR.NO.11569

CRL OP.17383/2021

Date :21/10/2021

TA-29/10/2021