



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17402 of 2021

1 DHANASEKARAN
2 PANJALAI
3 DILLIBABU

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
G1- MADHURANTHAGAM POLICE STATION,
CHENGALPATTU DISTRICT.
CRIME NO.NOT KNOWN OF 2021.

[RESPONDENT]

For Petitioners : M/S. G.BABU GANESH Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 366 A of I.P.C in Crime No. Not known of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that the 3rd petitioner herein who is the son of the petitioners 1 & 2 had a love affair with the De-facto Complainant's daughter and the De-facto Complainant's daughter was forcibly taken away by the petitioners for the purpose of performing the marriage at his grand mother's place. Hence the De-facto Complainant lodged a complainant against the petitioners based on which the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioner have 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.



4. The learned Government Advocate submitted that the investigation is underway in this case and that the victim girl was secured and handed over to her parents. He further submitted that the marriage was not performed and that there is no serious allegation levelled against the petitioners.

5. A perusal of the statement recorded u/s 164 of Cr.P.C reveals that the minor victim girl was forcibly taken away by the petitioners for the purpose of performing the marriage.

6. Considering the fact that the marriage was not performed and no serious allegations having been levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are granted anticipatory bail and they are 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 Judicial Magistrate-II, Madhuranthagam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 petitioners/A1 & A3 shall report before the respondent police daily at 10.30 a.m. until further orders; whereas the Petitioner/A2 shall report before the respondent police as and when required until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 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;

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

-sd/-
27/10/2021

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 JUDICIAL MAGISTRATE,
NO.II, MADHURANTHAGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
G1- MADHURANTHAGAM POLICE STATION,
CHENGALPATTU DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.BABU GANESH Advocate on payment of necessary charges SR.NO.11998

CRL OP.17402/2021

Date :27/10/2021

JPA 10/11/2021