

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20960 of 2020

1.Arun @ Arunkumar
2.Venkatesan

... Petitioners

Vs.

The State rep. by
The Inspector of Police
Veppur Police Station,
Cuddalore District
Crime No.1248 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.1248 of 2020, on the file of the Respondent police.

For Petitioners: Mr.M.Selvam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 366(A) of IPC in Crime No.1248 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The allegation is that A1 in this case was in love with the minor victim girl, who is aged 17 years and with the intention of getting marriage, he forcibly kidnapped her. Hence, the complaint has been registered. There are totally four accused in this case and the petitioner is A1. A2 is uncle of A1. Apart from that, two more accused were also implicated in this case. They were also arrested. A3 came out on bail.

3. The learned counsel for the petitioners would submit that both the victim girl and A1 were in love with each other and only on her own volition, the victim girl had eloped with A1 and A1 had taken the victim girl only with an intention to get marriage. He would further submit that the victim girl has been secured and that there is no specific overtact attributed as against the 2nd petitioner, who is the uncle of A1. Hence, he prays for

anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the victim girl has been secured and a statement under Section 164 of Cr.P.C was recorded from the victim girl, wherein it has been clearly stated that the petitioner had kidnapped the victim girl by force and he had sexual intercourse with her. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and the allegation made against the main accused (A1)/1st petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this Criminal Original Petition stands dismissed as against the 1st petitioner.

6. However, considering the fact that A2 is only the uncle of A1 and there is no specific overtact attributed against him, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, No.I, Viruthachalam, on condition that the 2nd 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 2nd petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 2nd 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 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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)**

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/01/2021

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.I, VIRUTHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.M.SELVAM Advocate on payment of necessary
charges SR NO. 449

CRL OP.20960/2020

Date :11/01/2021

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