



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2651 of 2021

1. Kumar @ Ramkumar
2. Pandiarajan
3. Parthiban
4. Akkini
5. Vijaya

... Petitioners/Accused Nos.1, 3 to 6

Vs

The State rep.by,
The Inspector of Police,
Othakkadai Police Station,
Madurai District,
Madurai.
Crime.No. 80 of 2021..

... Respondent/Complainant

For Petitioners: Mr.Satheeshkumar N,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A3 to A6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 342, 323 and 366 of IPC and Section 4 of Tamilnadu Prohibition of Women Harassment Act, in Crime No.80 of 2021 on the file of the respondent police, seek

<https://hcmisc.courts.myservices.in/cases/>



2.The case of the prosecution is that the petitioners herein are parents and cousin brother of the victim girl. The defacto complainant, who is a driver in profession, had eloped with the victim girl. Hence, the petitioners had lodged a complaint. The same was registered in Crime No.66 of 2021 under woman missing. Thereafter, the petitioners found out the victim girl and convinced her to join with the family. Hence, the victim girl joined with the family. Thereafter, the defacto complainant hails from ordinary background. On the other hand, the defacto complainant filed H.C.P. (MD).No.260 of 2021 before this Court. The detenue was produced before this Court. The detenue contrary to the undertaking given to her parents and the learned counsel expressed her willingness to live with the defacto complainant. Hence, the present complaint has been filed against the petitioners that they forcibly took the victim before the Sub Registrar Office to execute release deed.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the respondent police.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are parents and cousin brother of the victim girl. Hence, he seek anticipatory bail to the petitioners.

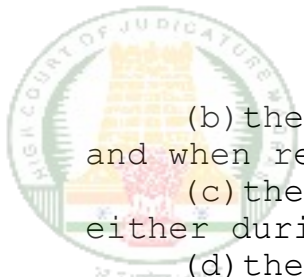
5.The learned Government Advocate (criminal side) appearing for the respondent police submitted that the victim girl had not cooperated with the investigation and failed to appear despite reminder.

6.Considering the fact and circumstances of the case and also considering the fact that the petitioners are parents and against whom, the present complaint has been lodged by the defacto complainant and the petitioners have given undertaking that they will not interfere or cause any disturbance to the life of the victim girl, in view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with common surety for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book

<https://hcservicesresourc.gov.in/hcservices/> identity;



(b) the petitioners shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE, MELUR.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

3 THE INSPECTOR OF POLICE

OTHAKKADAI POLICE STATION, MADURAI DISTRICT.
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.N.SATHEESHKUMAR, Advocate SR.No.2341

ORDER

IN

CRL OP(MD) No.2651 of 2021

Date :19/03/2021

NR/PN/SAR-II (22.03.2021) 3P:6C

<https://hcservices.ecourts.gov.in/hcservices/>