



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/03/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3664 of 2021

Vignesh

... Petitioner/Sole Accused

Vs

The State Rep. by its
The Inspector of Police,
Kulithalai Police Station,
Karur District
Crime No.706/2020.

... Respondent/Complainant

For Petitioner : Mr.Deenadhayalan.S.,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.706 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 366-A IPC @ Section 5(1) r/w Section 6 of POCSO Act, 2012, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter namely Gowri was kidnapped by the petitioner/accused, who is brother of the defacto complainant's second wife. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.



4. The learned Government Advocate (Crl.Side) would submit that investigation is pending.

5. A perusal of the Statement under Section 164(5) of Cr.P.C of the victim girl shows that due to some family dispute the petitioner, who is the brother of defacto complainant's second wife, kidnapped the defacto complainant's daughter. Hence, the defacto complainant lodged a complaint against the petitioner. The paternal grand-mother of victim girl, defacto complainant and victim girl are present before this Court. The paternal grand-mother of victim girl stated that she take care of her grand-daughter and also her education and the same was accepted by the victim girl. When the victim girl attains majority, her future will be decided.

6. The learned counsel for the petitioner undertakes that the petitioner would not disturb the victim girl in future.

7. Taking into consideration the facts and circumstances of the case and also the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithalai, Karur 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 to 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 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 to ensure their identity;

(b) the petitioner shall report before the respondent police for a period of two weeks and thereafter, 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 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;

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

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

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 No.II, KULITHALAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
KULTHALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3664 of 2021
Date :12/03/2021

RMK
TE/SMA/SAR-I : 18/03/2021 : 3P/5C