



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.07.2021

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PRESENT

The Hon'ble Mr. Justice G. CHANDRASEKHARAN

CRL OP (MD) No. 9737 of 2021

1. S. Shanmugam
2. Manikandan

... Petitioners/Accused No. A2 & A3

Vs

The State Represented by,
The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
Crime No. 17 of 2021

... Respondent/Complainant

For Petitioners : Mr. Na. Palaniyandi
Advocate

For Respondent : Mr. M. Muthumanikkam,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 17 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 366 of IPC in Crime No. 17 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter, the victim girl in this case, was studying 12th standard and her date of birth is 07.08.2004. She was moving closely with the first accused Raja. On coming to know about this relationship, the defacto complainant reprimanded his daughter. Due to Corona, the victim girl was attending classes through online. She was in the house till 08.00 pm, on 04.07.2021. Thereafter, she could not be found in the house. In spite of the efforts made to trace her, she



could not be located. It came to be known that the first accused had kidnapped the victim girl and other accused had helped him in this kidnapping. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are nowhere responsible for the love affair between their son and the victim girl and they are also not responsible for the alleged kidnapping of the victim girl by the first accused. Therefore, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending and the victim girl and the first accused have not been secured so far.

5. It is a case of eloping. The first accused and the victim girl were said to be in love with each other. The victim girl had gone out of the house without the defacto complainant's knowledge or consent. The petitioners before this Court are the parents of the first accused. Though the defacto complainant makes allegation that these petitioners were aiding and abetting the first accused to kidnap the victim girl, it is a far fetched claim and it is to be decided only from the materials collected during the course of investigation and later in trial.

6. Taking into considering the facts of the case and fact that the petitioners are only the parents of the first accused, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners 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 Additional Mahila Court, Trichy, Trichy District 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] 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 to ensure their identity.

[b] the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[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].

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

sd/-
26/07/2021

/ TRUE COPY /

/ /2021
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 ADDITIONAL MAHILA JUDGE,
TRICHY, TRICHY DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEEYAPURAM,
TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.Na.PALANIYANDI, Advocate (SR-4861[I] dated 27/07/2021)

ORDER
IN
CRL OP(MD) No.9737 of 2021
Date :26/07/2021

MBI
SRS/JC/SAR-IV/28.07.2021/3P/5C

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