



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12154 of 2021

Krishnan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
Crime No.60 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.T.Sasidharan Tamilkani,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory bail in Crime No.60 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 366(A) IPC in crime No.60 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that the de-facto complainant's daughter went to the school on 01.04.2021, but, she did not return from the school. Therefore, she lodged a complaint. The case was registered and during the enquiry, they found that this petitioner was having an affair with the victim girl and both of them eloped without the knowledge of their parents. After registering this case, the respondent police secured this petitioner and also handed over the victim to the de-facto complainant.

3.The learned counsel for the petitioner submits that due to love affair, the petitioner and the victim girl gone out of the village. He further submits that the petitioner will not disturb the victim girl till she attains majority and he has also filed an undertaking affidavit to that effect.



4.The learned Government Advocate (Crl. side) for the respondent strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also taking into consideration the undertaking affidavit given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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, Rameshwaram, Ramanathapuram 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall stay at Trichy and report before the Trichy Court Police Station daily at 10.30 a.m., until further orders.

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

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

sd/-
07/09/2021

/ 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 JUDICIAL MAGISTRATE,
RAMESHWARAM, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TRICHY COURT POLICE STATION, TRICHY.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-6073[I] dated 08/09/2021)

ORDER

IN

CRL OP(MD) No.12154 of 2021

Date :07/09/2021

SJI

MS/PN/SAR-4/23.09.2021/3P.7C