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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13919 of 2021

Rajan

... Petitioner/Accused No.3

Vs

State rep.by its
The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
(Crime No.395 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Deenadhayalan S, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.395 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 452, 363, 506(ii) of IPC and Sections 7, 8 and 16 of POCSO Act and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.395 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused had kidnapped the defacto complainant's minor daughter and also threatened the defacto complainant with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of the main accused/A1. He would further submit that the first accused was arrested and thereafter released on bail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner who is the friend of A1, along with other accused, had kidnapped the minor daughter of the defacto complainant. He would further submit that the major part of investigation is over and the statement of the victim has been recorded under Section 164 of Cr.P.C.

5.Considering the facts and circumstances of the case and also the fact that the first accused was arrested and thereafter released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the 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 of receipt of a copy of this order, before the learned Mahila Court (Fast Track), Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., and 5.30 p.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]**.



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

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Sd/-
23/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 MAHILA COURT,
(FAST TRACK), DINDIGUL.
2. THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DEENADHAYALAN S Advocate SR.No.6595

ORDER
IN
CRL OP(MD) No.13919 of 2021
Date :23/09/2021