



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14362 of 2021

1. Karthik @ Karuppasamy
2. V.Chinna Jameen
3. V.Mariamammal
4. M.Ramalakshmi

... Respondents No.1 to 3/
Accused No.1 to 3
... Respondent No.4/
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.815 of 2021)

... Respondent/Complainant

For Petitioners :M/s.Ajmal Khan, Senior Advocate
for M/s.Ajmal Associates

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.815 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 offence punishable under Sections 366(A) and 109 IPC, altered into 366A, 109 IPC and 5(1) r/w.6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.815 of 2021 on the file of the respondent Police, seek anticipatory bail.



2. The case of the prosecution is that the first petitioner abducted the defacto complainant's daughter with a promise to marry her.

3. The learned counsel for the petitioners submitted that the 2nd petitioner is the brother, 3rd petitioner is the mother and 4th petitioner is the close relative of the first petitioner. The defacto complainant is also the aunt of the first petitioner. Therefore, the defacto complainant's daughter had developed love affair with the first petitioner. She frequently visited the house of the petitioners and stayed there. On 11.08.2021, she refused to go to her parental home. When she was enquired by the petitioners, she informed that her mother attempted to arrange her marriage with some other person. Thereafter, the petitioners advised her and sent to her parental home. Now, this false complaint has been lodged by the defacto complaint.

4. The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail on the ground that the second petitioner is having twenty three previous cases. He also produced the 164 Cr.P.C statement of the victim girl, wherein, she stated that the first petitioner is her aunt's son and she has love affair with the first petitioner. On knowing the same, her parents accepted for her marriage with the first petitioner after two years. Since her parents scolded for the same, she, on her own volition, eloped with the first petitioner.

5. Since the second petitioner is having 23 previous cases, this Court is not inclined to grant anticipatory bail to the second petitioner. Therefore, the Criminal Original Petition is dismissed insofar as the second petitioner is concerned.

6. This Court, considering the facts and circumstances of the case and the statement of the victim girl, in which, she stated that on her own volition, she eloped with the first petitioner, is inclined to grant anticipatory bail to the petitioners 1, 3 and 4 alone.

7. Accordingly, the Criminal Original Petition is allowed insofar as the petitioners 1, 3 and 4 are concerned. The petitioners 1, 3 and 4 are ordered to be released on bail in the event of arrest or their 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, Kovilpatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 1, 3 and 4 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 petitioners 1, 3 and 4 shall report before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioners 1, 3 and 4 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 1, 3 and 4 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 are 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/-
28/09/2021

/ TRUE COPY /

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

OGY

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 Court No.II,
Kovilpatti.

2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.



3. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.6678

ORDER
IN
CRL OP(MD) No.14362 of 2021
Date :28/09/2021

SP/VR/SAR III/04/10/2021/4P/6C