



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.14997 of 2021

Gopinath

... Petitioner/Accused No.1

Vs

State rep.by
The Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No.163/2021).

... Respondent/Complainant

For Petitioner : M/s.Karunanithi M, 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.163 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 Section GIRL MISSING @ 366A of IPC in Crime No.163 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 30.07.2021, the defacto complainant lodged a complaint before the respondent Police that her daughter namely Muganeshwari was found missing and the petitioner kidnapped her daughter. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated



in this case. He further submitted that the victim girl has love affair with the petitioner and she voluntarily eloped with the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the petitioner has involved in five previous cases, in which, two cases ended in conviction, one case is disposed of and remaining two cases are pending against the petitioner. He further submitted that insofar as the present case is concerned, the victim girl has been produced before this Court in the Habeas Corpus Petition filed by the defacto complainant and the victim girl has stated that on her own volition, she eloped with the petitioner.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner in this case, and that the victim girl voluntarily eloped with the petitioner, 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 Judicial Magistrate No.1, Sivakasi, Virudhunagar District, 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 persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

Sd/-
20/10/2021

/ TRUE COPY /

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

ssb

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.I,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE SUB INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.KARUNANITHI M Advocate SR.No.7294

ORDER
IN
CRL OP(MD) No.14997 of 2021
Date :20/10/2021