



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.15916 of 2021

Guru @ Gurupandi

...Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.184 of 2021)

...Respondent/Complainant

For Petitioner : Mr.Palmurugan.K.,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.184 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections Girl Missing @ 5(L), 6, 17 of the POCSO Act 2012, in Crime No.184 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely the mother of the victim girl gave a complaint before the respondent police that her daughter, who is aged about 17 years was missing. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl are close relatives and both of them loved each other and the victim girl has voluntarily come along with the petitioner. He further submitted that is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is having one previous case under NDPS Act.

5.Taking into consideration the facts and circumstances of the case and the fact that the victim girl went with the petitioner on her own volition and there is no serious allegation against 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Mahila (POCSO) Court, Madurai 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 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 report before respondent police daily at 10.30 am., for the period of 30 days and thereafter, as and when required for interrogation.

(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/-

12/10/2021

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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.

WEB COPY

TO

1. THE JUDGE,
DISTRICT MAHILA (POCSO) COURT,
MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.15916 of 2021

Date :12/10/2021

VSD

MS/VR/SAR-3/20.10.2021/3P.4C