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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.2075 of 2022

Suriya

.. Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Ariyalur District.
Crime No.62 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No. 62 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.N.S.Suganthan
Govt. Advocate (CrI. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 376, 294(b), 506(i) of IPC, in Crime Number 62 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner kidnapped the defacto complainant and thereby performed marriage with her and they both jointly started their matrimonial life in her grandmother's house. Further on 19.11.2021, the petitioner left the defacto complainant and he went to his parental house. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution and further the petitioner is ready to live with the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner married the defacto complainant and thereafter he left her alone. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the girl was deserted by the petitioner due to misunderstanding, hence this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner and the defacto complainant/Kalavathi should go for Mediation and Conciliation Centre at Ariyalur for five sittings.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Additional Mahila Court, Ariyalur 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

[c] the petitioner shall not tamper with 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 has been imposed and the petitioner is 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

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-sd/-
01/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,
ARIYALUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
ARIYALUR.

5 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

+1 CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.NO.1568

CRL OP.2075/2022

Date :01/02/2022

INBA~10/02/2022