



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7883 of 2022

GOWTHAMAPRIYAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CHENGAM,
TIRUVANNAMALAI 600 709.
CR.NO.3273 OF 2020.

[RESPONDENT]

For Petitioner : M/S. S.DEEPIKA Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an offence punishable under Section 366 A of IPC in Crime No.3273 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The petitioner herein is aged about 22 years who alleged to have forcefully kidnapped the minor victim girl who is aged about 17 years in his scooter. Since she raised alarm, the villagers stopped him and thereafter he fled from the scene of occurrence. Though the complaint was given to the police by the mother of the victim girl, the same was not considered by the respondent police immediately. Hence, the defacto complainant forced to approach the learned Judicial Magistrate under Section 156 (3) to direct the respondent police to register the case and investigate the matter. In pursuant to the said order passed by the Judicial Magistrate in Crl.MP.No.712 of 2020 dated 28/09/2020, the case in crime No.3273 of 2020 under Section 366-A of IPC was registered on 06.10.2020. Thereafter, statement of the victim girl under Section 164 of Cr.P.C has been registered on 21.05.2021. Under this context, now the



petitioner approached this Court seeking anticipatory bail. On the premise that the complaint is motivated complaint and several varied version has been given by the defacto complainant and her daughter just to fix the petitioner herein. Further 164 statement of the victim girl indicates that petitioner had forcefully kidnapped her and taken her against her consent in his two wheeler and she had rescued by the villagers on hearing her alarm. For some reason, the police has not acted upon immediately. Even though the complaint was registered on 06.10.2020 upon the direction of the Judicial Magistrate and 164 statement of girl registered on 21.05.2021, clearly indicating that the petitioner herein committed the alleged offence punishable under Section 366-A of IPC. Police have not apprehended the petitioner herein after the lapse of more than ten months. The presence of the petitioner is threat to the victim girl and there is every possibility of tampering the evidence. Hence, this Criminal original petition is dismissed.

-sd/-
05/04/2022

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 INSPECTOR OF POLICE,
CHENGAM,
TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.DEEPIKA Advocate on payment of necessary
charges SR.NO.5195

CRL OP.7883/2022

Date :05/04/2022

TA-12/04/2022