



Crl.O.P.No. 16798 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 366A of IPC in Crime No.339 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the victim girl, who is the grand daughter of the defacto complainant, was kidnapped by the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the victim girl, aged about 17 ½ years, had love affair with the petitioner and eloped with the petitioner, in which, the petitioner was arrested and remanded to judicial custody. In the earlier occasion, i.e., in the year 2019 itself, the victim girl eloped with



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the petitioner and the FIR has been registered in Crime No.411 of 2018 for the offence punishable under Sections 366A, 366, 363 r/w 5(1) and 6 of Protection of Child from Sexual Offence Act 2012. The victim girl was secured thereafter, the petitioner was arrested and remanded to judicial custody. After completion of the investigation, charge sheet has been filed and taken cognizance in Special S.C.No.84 of 2020 and it is pending for trial.

5. While being so, the victim girl now eloped with the petitioner and the FIR has been registered in Crime No.339 of 2021. Till today, the victim girl is not yet secured. In the earlier occasion reveals that the petitioner fell in love with the victim girl and thereafter, the victim girl eloped with the petitioner and they stayed together for three days. Further, he was arrested and remanded to judicial custody and released on bail.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.IV, Salem, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Trial Judge daily Morning at 10.30 a.m., and Evening at 5.30 p.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



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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]**.

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

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