



Crl.O.P.No.18949 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363 and 366 of IPC in Crime No.46 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the neighbour of the defacto complainant. There was a love affair between the petitioner and the defacto complainant's grand daughter aged about 17 years, due to which, the petitioner has kidnapped his granddaughter by inducing her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case.. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor would submit that the petitioner had fell in love with the defacto complainant's grand daughter/ minor victim girl and due to which, he kidnapped her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that the petitioner had fell in love with the minor victim girl. Now, she attains majority. In fact, Habeas Corpus Petition has been filed by the parents of the minor victim girl, in which, she has refused to go with her parents. Now, she is living with the petitioner.

6. Considering the above facts and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date on which the order copy made ready, before the ***learned Judicial Magistrate No.I, Gobichettipalayam*** on condition that the



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petitioner shall execute a separate 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 register his marriage with the victim girl, before the concerned Register Office and shall produce the registration certificate before the respondent Police within a period of two weeks from the date of execution of sureties, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the respondent Police shall secure the petitioner and proceed in accordance with law.

[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.



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[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]**.

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

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Vv

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