



Crl.O.P.No.21348 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 of IPC in Crime No.33 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 17.08.2022, the petitioner, who is known to the family of the defacto complainant, had kidnapped her minor daughter aged about 16 years on the promise of marrying her. Based on the complaint, a case was registered in Crime No.33 of 2022 for the offences punishable under Section 366 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given as against the petitioner. He would further submit that the petitioner and the defacto complainant are relatives and her daughter was found missing for sometime and based on the suspicion, the defacto complainant had given a complaint. It seems that on the same day of occurrence, the victim is



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returned back to the defacto complainant and even as per the girl's statement, there is no allegations of sexual assault. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is the relative of the defacto complainant and he had induced the defacto complainant's minor daughter on the promise of marrying her and had taken her away from the lawful custody of the defacto complainant. However, he would submit that the girl has been secured on the same day. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also the victim girl has also been secured immediately and there is no allegations of sexual assault,



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this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

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 made ready, before the **learned Additional Mahila Court, Salem**, 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 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.



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[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 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.

06.09.2022

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