



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2898 of 2022

1. Kumar
2. Karthik

... Petitioners/Accused No.2&3

Vs

The State Rep. By,
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
(Crime No.17/2022).

... Respondent/Complainant

For Petitioner : M/s.Prabu M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahara,
Additional Public Prosecutor

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

PRAYER :-

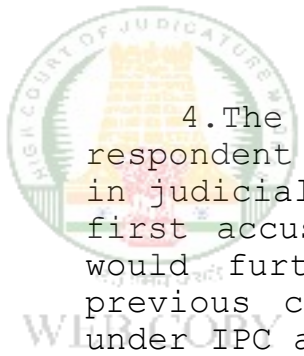
For Anticipatory Bail in Crime No.17/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections Girl Missing @ 366 of IPC and Sections 16, 17, 5(1) of 6 of POCSO Act, in Cr.No.17 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 with the help of the petitioners had kidnapped the victim girl, who is aged about 16 years, for the purpose of getting her married. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that A1 has already been arrested and still in judicial custody, that the first petitioner is the brother of the first accused and the second petitioner is the relative of A1. He would further submit that the first petitioner is having five previous cases, including two cases under NDPS Act and one case under IPC and the second petitioner is having no previous case.

5.At this juncture, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition in respect of the first petitioner is concerned and he has also made an endorsement to that effect. Hence, this petition is dismissed as withdrawn as against the first petitioner is concerned.

6.Considering the nature of the charges levelled against the second petitioner and also the fact that the second petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the second petitioner, but with certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Tirunelveli, on condition that the second 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the second 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 second petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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]; and;

<https://hcservices.ecourts.gov.in/hcservices/>



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/03/2022

WEB COPY

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
MAHILA COURT, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.PRABU, Advocate (SR-2210[I] dated 18/03/2022)

ORDER
IN
CRL OP(MD) No.2898 of 2022
Date :17/03/2022

SJI
USK/PN/SAR-I/24.03.2022/3P/6C