



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5746 of 2022

Selvam

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Panavadalichatram Poilce Station,
Tirunelveli.
(Crime No. 190 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Shyllappa Kalyan.N,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.190 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 366 IPC, in Crime No.190 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused kidnapped the victim girl and on the next day, dropped her in the bus stand. The respondent Police have secured the victim girl and registered the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim girl were on love and on the date of her birth day, she had accompanied the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the victim girl is aged 17 years and that the petitioner with the help of his friends kidnapped the victim girl. He would further submit that the accused 2 and 3 were already granted anticipatory bail by this Court in Crl.OP(MD)No.3671



5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), that the co-accused were already granted anticipatory bail by this Court and that the petitioner is not having any bad antecedents, 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 her arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal Sessions Judge, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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]***; and;

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

sd/-

29/03/2022

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

DAS

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



TO

1 THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE
PANAVALALICHATRAM POLICE STATION, TIRUNELVELI

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5746 of 2022

Date : 29/03/2022

SS/JM/SAR:IV/05.04.2022 : 3P/4C