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

Date : 05/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12705 of 2022

K.Rajendran

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.
(Crime.No.151 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Gunasekaran.P, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.151 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 363 I.P.C, in Crime No.151 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that her daughter was found missing on 08.07.2022. Based upon the above said complaint, the case was registered and during the course of investigation, it is found that the petitioner herein is involved in the above said affair and the victim girl was abducted and taken by him and also forced her to marry. On the basis of the above said occurrence, a case was altered under the POCSO Act.



3. For seeking anticipatory bail, this petition is filed only on the ground that the petitioner was in love with the victim girl, who was aged about 17 years at the time of occurrence and on her volition, she eloped with the petitioner and during the course of investigation, she has also given a statement to the effect that she voluntarily left the parental home, because, she was not interested the marriage proposal that was made by her parents. Only on her invitation, the accused person came there and took her and marriage was also performed in a temple and they were staying in Ilayankudi for two days. Later, she was taken to the Paramakudi Police Station, where, she was dropped and further process has been undertaken.

4. The learned Government Advocate (Crl. Side) would submit that because of the above said love affair only, the said occurrence has taken place, but there is no sexual assault allegation upon the victim girl.

5. Considering the nature of offence, the overt act attributed against the petitioner and there is no sexual assault upon the victim girl, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police on every Saturday at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
05/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.IV)
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 JUDICIAL MAGISTRATE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12705 of 2022
Date :05/08/2022

SP/SVR/SAR IV/17/08/2022/3P/5C