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CRL OP(MD). N



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

Date : 17/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14822 of 2022

Ajith ... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
in Crime No.123/2021.

... Respondent/Complainant

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

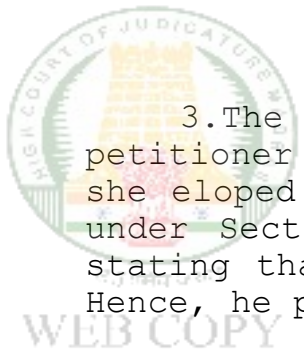
PRAYER :-

For Anticipatory Bail in Crime No.123/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
"Girl missing" @ 366 and 376(3) IPC and Sections 21(1), 5(L) and 6
of POCSO Act, in Cr.No.123 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, namely,
Mahalakshmi, who is aged about 17 years was eloped with the
petitioner. Hence, the parents of the victim girl lodged a
complaint for girl missing. Thereafter, the victim girl was secured
and she was detained in the de-facto complainant's home. Again on
18.03.2021, the victim girl was escaped from the home and married
the petitioner. Out of the said wedlock, they blessed with a female
child. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner had love affair with the victim girl. On her own wish, she eloped with the petitioner on 18.03.2021. Further her statement under Section 164 Cr.P.C before the concerned Judicial Magistrate stating that on her own wish only, she eloped with the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is a case of love affair and the statement of the victim girl is recorded under Section 164 of Cr.P.C. and major part of the investigation is almost over. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the statement given by the victim girl is recorded under Section 164 of Cr.P.C and major part of the investigation is almost over, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 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 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]**; and;



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

sd/-
17/11/2022

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

TO

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

ORDER
IN
CRL OP(MD) No.14822 of 2022
Date :17/11/2022

SS/BUC/SAR III/24.11.2022/ 3P/ 5C