



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17962 of 2022

Hariharasivan, ... Petitioner/Accused Rank Not known

Vs

State Rep.by
The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No.468/2022). ... Respondent/Complainant

For Petitioner : M/s.Balaji A,Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.468/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under section **(*)366 of IPC and 7 & 8 of POCSO Act**, in Crime No.468 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the victim girl were in love and on 10.09.2022, the petitioner had eloped with the victim girl. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner and the victim girl were in love with each other and he is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the victim girl was aged about 15 years at the time of the alleged occurrence and in the statement recorded from the victim girl under Section 164 of Cr.P.C., she has stated that she voluntarily eloped with the petitioner. He would further submit that 10 witnesses have been examined and the investigation is still pending. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the statement recorded under Section 164 of Cr.P.C. given by the victim girl and also the fact that ten witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioners 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 No.I, Madurai, 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 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 FIR can be registered under Section 229-A IPC.

sd/-
03/11/2022

(*) Amended as per order of the court
dated 03/11/2022 in CRL MP(MD) No.12966
of 2022 in CRL OP(MD) No.17962/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-12467[I] dated 04/11/2022)

ORDER
IN
CRL OP(MD) No.17962 of 2022
Date : 03/11/2022

sjj
PKP/VR/SAR-3/17.11.2022/3P/6C