



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21250 of 2022

M.Soundar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Srivaikundam Police Station,
Srivaikundam,
Thoothukudi District.
Crime No.161 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Banuprasath P, 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.161 of 2022 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 363 @ 366(A), 354(D) (1) (i) of IPC and Sections 7 and 8 of POCSO Act, 2012, in Cr.No.161 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's daughter had love affair with the petitioner and on 09.06.2022, the petitioner herein kidnapped the de-facto complainant's daughter by using his two wheeler. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, vide order dated 16.09.2022 in CrI.O.P.(MD)No.12963 of 2022. He would further submit that the petitioner and the victim girl loved each other and he had no intention to kidnap the victim girl. He would further submit that



the petitioner is ready to file an undertaking affidavit. He will not disturb the victim girl in future. 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 victim girl was aged about 17 years at the time of occurrence and statement of the victim girl has been recorded under Section 164 of Cr.P.C. 13 witnesses have been examined in this case. The major part of the investigation is almost over. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the 164 statement given by the victim girl and also the facts that it is a case of love affair and thirteen witnesses have been examined in this case and major part of the investigation is almost over and the petitioner's readiness to file an undertaking affidavit before the concerned Jurisdictional Magistrate, 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 Court, Srivaikundam, Thoothukudi 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 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 file an undertaking affidavit that he will not disturb the victim girl in future before the concerned Judicial Magistrate. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

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

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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



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

sd/-
01/12/2022

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WEB COPY

/12/2022

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

TO

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

+1 CC to M/s.P.BANUPRASATH, Advocate (SR-14262[I] dated
02/12/2022)

ORDER
IN
CRL OP(MD) No.21250 of 2022
Date :01/12/2022

SJI
RS/SSS/SAR.2 (15.12.2022) 3P-6C