



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/12/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22050 of 2022

Parthiban

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Town Police Station,
Sivagangai District.
Crime No.470 of 2022.

... Respondent/Complainant

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

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.470 of 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 offence punishable under Section 366 IPC in Crime No.470 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the petitioner, who is a married man, had kidnapped her daughter aged about 28 years. Hence, the complaint.

(*)3.The learned counsel appearing for the petitioner would submit both the petitioner and the defacto complainant's daughter loved each other for several years and that he had intended to marry her. He would further submit that the first wife of the petitioner had separated from him and that he is also taking steps to file a petition for divorce. He would further submit that the petitioner is aged about 32 years and the defacto complainant aged about 28 years and that they are matured adults and they have right to live together and thereby, he seeks anticipatory bail.



4. The learned Government Advocate (Crl.side) would submit that the petitioner, who is a married man, had kidnapped the daughter of the defacto complainant and hence, a case has been registered and thereby, he opposes to grant anticipatory bail to the petitioner.

5. Today, the alleged victim / daughter of the defacto complainant viz., Saranya is present before this Court and she was identified by the respondent police. This Court enquired her. She submitted that the petitioner is her friend and that she knowing that he is a married man and separated was having a relationship with him and on coming to know about the relationship, her father arranged her marriage with someone else against her wish and that she had come out of the house and she is now living with the petitioner. She has submitted that she was born on 18.12.1993 and she was not kidnapped by anybody and she has voluntarily joined with the petitioner / Parthiban and she has also filed an affidavit to that effect.

6. Heard and perused the materials on record. Taking into consideration the facts and circumstances of the case and the affidavit filed by the alleged victim, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivagangai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Inspector of Police, Anna Nagar Police Station, Madurai, everyday at 10.30 a.m., for a period of one week and thereafter, appear before the respondent police 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] the affidavit filed by the alleged victim Saranya shall form part of the record;

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/12/2022

CORRECTED AS PER ORDER OF THIS COURT DATED 15.02.2023.

/ TRUE COPY /

/02/2023

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

TRP

TO

TO BE SUBSTITUTED TO THE ORDER DATED 16/12/2022 ALREADY DESPATCHED

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

COPY TO:

THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI.

ORDER

IN

CRL OP(MD) No.22050 of 2022
Date :16/12/2022

SA/VR/SAR.3/28.12.2022/3P/6C

NA/SBN/SAR.1/23.02.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>