

Crl.O.P.No.2106 of 2023

T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest for the alleged offence under Section 366 of IPC in Crime No.1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant's second daughter was missed on 05.01.2023. While enquiry, it was found that the de-facto complainant's daughter had an affair with the petitioner herein. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the defacto complainant has not interested to cooperate with the proceedings and she has not produced the victim for recording the statement under Section 164 of Cr.P.C., He further submitted that subsequently, the defacto



complainant's second daughter/victim was eloped with other guy.

However, the victim girl is now under the custody of her parents.

5. Considering the fact that the defacto complainant is not cooperating for the further proceedings and the victim girl was also under the custody of her parents, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate – I, Salem** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties (one surety must be blood related surety) 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 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 Court concerned 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 every Tuesday and Saturday at 10.30 a.m., for a period of three months and thereafter, 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)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.

21.02.2023

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To

The Judicial Magistrate - I,
Salem.



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