



Crl.O.P.No.6889 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for girl missing and thereafter altered to the offence punishable under Section 366 of IPC in Crime No.38 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vadivelu is that his younger daughter XXX aged about 17 years, after completing 12th Standard, was at home. while so, on 06.02.2023, she was found missing and hence, based on a complaint, a case in Crime No.38 of 2023 was registered for girl missing. Later, it was found that one Sundarapandian S/o.Vincent had abducted his daughter and hence, the offence was altered as stated above.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given by the parents of the alleged victim. He would submit that the alleged victim is a major and there was a love affair between the petitioner and the



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victim and since it was opposed by the parents of the victim, the petitioner and the victim have eloped from their respective homes. He would submit that the victim is a major and pursuant to the order passed on 11.04.2023, the petitioner along with the victim had surrendered before the learned Judicial Magistrate-II, Mayiladuthurai, and the learned Magistrate, after examining the victim girl found that the victim girl was a major and thereby, permitted them to leave without taking any further action. He would submit that a false complaint has been given by the defacto complainant that her daughter/the victim girl is a minor aged about 17 years. He would further submit that the petitioner is ready to abide by any stringent conditions and he is also ready to appear before the respondent police for further enquiry. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) for the respondent would submit that as per the complaint of the defacto complainant, his daughter is a minor aged about 17 years. Admittedly, on 18.04.2023, the victim girl and the petitioner had appeared before the



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learned Magistrate and the learned Magistrate after enquiry, found that the victim was a major thereby, permitted them to leave. However, he would submit that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.

5. The learned counsel appearing for the intervenor/defacto complainant would submit that the victim is a minor. Hence, he opposed for grant of anticipatory bail to the petitioner/accused.

6. Heard the learned counsel and perused the entire materials available on record including the First Information Report.

7. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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**



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Judicial Magistrate-II, Mayiladuthurai, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 a.m., 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.



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[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]**.

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

19.04.2023

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