



Crl.O.P.No.10786 of 2023

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V. LAKSHMINARAYANAN, J.

The petitioner who apprehends arrest for the alleged offences under Sections 363 and 366 of IPC in Crime No.93 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police on 21.03.2023 alleging that his daughter Vinodhini aged about 16 years studying 10th Standard had not returned home after attending school and after investigation, the petitioner had love affair with the victim and they eloped and on the request made by her father, she returned home. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is hailing from a very respectable family. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that it is the case of love affair and after three days, the victim has been secured. Hence, he opposed for granting anticipatory bail to the petitioner.



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5.The petitioner and the daughter of the defacto complainant were eloped and subsequently, they were found out and a complaint has been lodged. It is the case of love affair. I have gone through the Statement under Section 175 given to the Judicial Magistrate, Kariyamangalam. There is no specific allegation as against the petitioner. Considering the overall circumstances, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 Sessions Judge, Mahila Court, Dharmapuri, 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 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 daily at



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10.30 a.m. for a period of four weeks 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 anticipatory 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.

24.05.2023

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V. LAKSHMINARAYANAN, J,



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