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Crl.O.P.No.19628 of 2023



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and

Crl.M.P.No.13865 of 2023

RMT.TEEKAA RAMAN, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 364 of I.P.C, in Crime No.88 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and his wife have been in love for the past two years when her parents came to know this her father attacked the petitioner's father due to which he injured. The petitioner and his wife were scared that her parents would hurt family members so they both decided together and secretly did the marriage at temple on 19.04.2023. Subsequently without knowing the same her parents forcefully married her without her consent to one Balakrishnan on 16.07.2023 in temple. She could not withstand the pain and grief of staying away from the petitioner herein she eloped with the petitioner on 31.07.2023. Due to which her father filed a missing complainat on 31.07.2023. Hence the case.

3. The learned Counsel for the petitioner would submit that the



petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the the petitioner and de-facto complainant daughter eloped on 31.07.2023 due to which the de-facto complainant filed a girl missing compliant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner; the learned counsel for the intervenor and the learned Government Advocate (Crl.Side) and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and the learned counsel for the intervenor, the daughter of the de-facto complainant was married with one Balakrishnan on 16.07.2023. Thereafter, the daughter eloped with the petitioner and hence he given a complaint under Section 364 of I.P.C and on the earlier occasion, this Court has directed the de-facto complainant to file a appropriate



application before the concerned jurisdiction. However, for the best known, they have not properly chosen to file any H.C.P and the daughter of the de-facto complainant is aged 21 years , this Court is inclined to grant anticipatory bail to the petitioner.

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-I, Virudhachalam**, on condition that the petitioners shall execute a separate 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 respondent Police, everyday at 10.30 a.m., until further**



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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.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.09.2023

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RMT.TEEKAA RAMAN, J.

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