



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4290 of 2023

Jeevan Prasanth

... Petitioner / Accused No.1

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Theni
(Crime No. 01 of 2023.)

... Respondent / Complainant

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

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

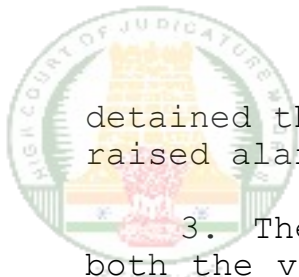
PRAYER :-

For Anticipatory Bail in Crime No. 01 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 342, 506(i) of IPC and sections 12,17 of POCSO Act in crime No.1 of 2023 on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the victim is staying in her grand mother's house at Vadipatti and studying 9th standard and her father was residing at PC patti along with his second wife and children. The victim often visits her father and at that time the petitioner was introduced to victim by her friends. Thereafter the petitioner proposed to the victim, but she refused the proposal and later she accepted. Thereafter on 18.01.2023 the petitioner called the victim when she was in her father's house and brought her to him and subsequently he compelled her for marriage and



detained the victim in her sister's house. On 19.01.2023, tl raised alarm and thereafter only she was secured.

3. The learned counsel for the petitioner would submit that both the victim and the petitioner were in love and the petitioner is innocent and a false case has been foisted against him.

4. The learned Additional Public Prosecutor would submit that the petitioner herein on false of marrying the victim girl had kidnapper her and detained her in his siter's house. He would further submit that the petitioner had committed self injuries by knife.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is case of love affair this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Theni 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 to 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 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 daily at 10.30 a.m., for a period of two 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 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 FIF be registered under Section 229-A IPC

(g) the petitioner and the parents of the petitioner shall file an affidavit of undertaking before the respondent police that the petitioner will not indulge in similar activities in future.

(h) It is made clear that if the petitioner violates the undertaking filed before the respondent, the respondent is at liberty to proceed in accordance with law.

sd/-
06/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.The Judge,
Mahila Court, Theni.

2.The Inspector of Police,
All Women Police Station,
Theni.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.MARAN M Advocate SR.No.3401

ORDER
IN
CRL OP(MD) No.4290 of 2023
Date :06/03/2023

ED/BUC/SAR-2 (09/03/2023) 3P 5C