



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2023

PRESENT

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

CRL OP(MD). No.4672 of 2023

Ganesh Kumar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
Cr.No.470/2022.

... Respondent/Complainant

For Petitioner : S.Veerapandiselvaraj,
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. 470/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under Girl Missing @ 366 of IPC and section 5(1),6 of POCSO Act in Crime No. 470 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the the defacto complainant had given a complaint that her daughter was found missing. Later during investigation it came to light that the petitioner herein had kidnapped the minor girl, married her and thereafter has physical relationship with her, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report including the statement of the victim recorded under section 164 of Cr.P.C.



4. It is now reported that the victim attained majority and they also got married and living happily. Further it is a case of love affair. In view of the same, custodial interrogation of the petitioner may not be required, hence this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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, Periyakulam 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, 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 respond to police daily at 10.30 am., 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].

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

sd/-
13/03/2023

/ TRUE COPY /

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



WEB COPY

1 THE JUDICIAL MAGISTRATE
PERIYAKULAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to S.VEERAPANDISELVARAJ Advocate SR.No.14537(F)

ORDER

IN

CRL OP(MD) No.4672 of 2023

Date :13/03/2023

SS/BUC/SAR III/16/03/2023/3P/6C