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CRL OP(MD). No.6921 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.6921 of 2024

Vignesh

... Petitioner/Sole Accused

Vs.

State rep. by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.146 of 2024)

... Respondent/Complainant

For Petitioner : Mr.P.SENGUTTUARASAN
Advocate.

For Respondent : Mr.S.MANIKANDAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.146 of 2024 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 Section Girl Missing @ 366 of IPC and Section 9 of Child Marriage Act and Section 5(1), 6 of POCSO Act, in Crime



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No.146 of 2024, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that the victim girl, who is aged about 18 years, had fallen in love with the petitioner and both of them eloped and left their house. Based on the complaint given by the father of the victim girl, the present case has been registered. Initially, the case has been registered for the offence under Section Girl Missing. After registering the complaint, the case has been altered into Section 366 of IPC and Section 9 of Child Marriage Act and Section 5(l), 6 of POCSO Act.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are loved each other and her own wish she came out of her parents' house. He further submitted that the petitioner is an innocent and he has been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that victim girl is the minor aged about 18 years. The petitioner had kidnapped the victim girl with an intention to marry her. Based on the complaint given by her father, the case was registered. He would further submit that the minor victim girl has also given a statement under Section 164 of Cr.P.C.

5. Considering the facts and circumstances of the case both the petitioner and the victim girl loved each other and her own wish she came out of her parents' home



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and joined with the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni District, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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 is released on bail by the



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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
229-A IPC.

sd/-
22/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

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

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

+1 CC to M/s.P.SENGUTTULARASAN, Advocate (SR-5685[I] dated 23/05/2024)



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ORDER
IN
CRL OP(MD) No.6921 of 2024
Date :22/05/2024

SA/JGB/SAR. /27.05.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.