



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1481 of 2018

TAMILARASAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
IN CR. NO. 590/2017,
RAMANATHAPURAM DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

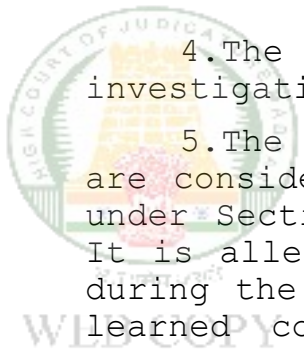
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / sole accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 366 (A) IPC in Crime No.590 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that due to love affairs, the defacto complainant's daughter eloped with a person in the year 2016 and thereafter, she was rescued. Once again the victim girl eloped with a person and hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences. He also submitted that the de facto complainant filed a Habeas Corpus Petition in H.C.P.No.1581 of 2017 before this Court, in which, the de facto complainant's daughter appeared before the Division Bench of this Court and she categorically admitted that no one has kidnapped her and she went to Tiurupur on her own volition. But the de facto complainant informed to the Court that the petitioner herein alone had abducted her daughter and the same was denied by the victim. However, the de facto complainant's daughter expressed her willingness to go along with her mother and the same was recorded and the Habeas Corpus Petition was closed. Therefore, the learned counsel appearing for the petitioner pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. Initially the case was registered for the offence under Section girl missing, subsequently altered into 366 (A) IPC. It is alleged that the petitioner herein kidnapped the victim girl during the time of occurrence. As per the submissions made by the learned counsel appearing for the petitioner, at the time of proceedings initiated in Habeas Corpus Petition, the detenu was produced before this Court. Thereafter, when she was enquired she submitted before the Hon'ble Judges that she voluntarily went to Triupur and was working in a Company. The copy of the order passed by this Court in H.C.P.(MD)No.1581 of 2017 is also produced for perusal of this Court. So, according to the statement given by the victim girl, custodial interrogation of the petitioner may not be necessary for completing the investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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 No.ii, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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].

sd/-
31/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.1697

ORDER

IN

CRL OP(MD) No.1481 of 2018

Date :31/01/2018

MKV-CM-VR-SAR 4/6.2.2018/3P-6C