



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

Tuesday, the Twenty First day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13215 of 2015

WEB COPY

1 M.S. MURUGESAN

2 SUBASH MANIKANDAN

.. PETITIONERS/ACCUSED 1 AND 2

Vs

STATE REP BY:: THE INSPECTOR OF POLICE

GOVERNMENT HOSPITAL POLICE STATION, TRICHY TOWN,

TRICHY DT, CRIME NO.284/2015

... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.J.ANANDKUMAR Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 363 and 506(i) of I.P.C. and Section 4 of Prevention of Women Harassment Act in Crime No.284 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that on 25.04.2015, the first accused has committed rape on the de-facto complainant and When she was admitted in a Government Hospital, Trichy for treatment and at 9.00 a.m., the second accused came to the hospital and threatened her to immediately discharge from the hospital and again, both the accused came to the hospital at 6.30 p.m. and kidnapped her by force threatening that she should not take treatment in the hospital.

3. The learned counsel for the petitioners submitted that for the occurrence said to have taken place on 25.04.2015, the first petitioner was granted anticipatory bail by this Court in Crl.O.P. (MD).No.8394 of 2015 on 30.04.2015 and thereafter, the de-facto complainant made a false complaint to the Commissioner of Police, Trichy on 06/07/2015, alleging that both the accused have kidnapped her on 25/04/2015. The learned counsel for the petitioners further submitted that absolutely there is no explanation for giving the complaint. It is further submitted that the complaint is a motivated one.

4. Per contra, the learned counsel for the intervenor vehemently opposed for granting anticipatory bail to the petitioners contending that the first accused was working as Inspector of Police and with the help of the second accused, on 25.04.2015, kidnapped the de-facto complainant, with a view to screen the evidence. It is further contended that the first accused was granted anticipatory bail on condition that he should not interfere with the investigation and tamper the witnesses, however the first accused violated the condition and therefore, he is not entitled for anticipatory bail.

5. Heard the learned Government Advocate (Crl.side).

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.IV, Trichy and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall reside at Vilupuram and report before the Vilupuram Town Police Station daily twice at 10.00 a.m. and 5.00 p.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

21/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO. IV, TIRUCHY

2 THE CHIEF JUDICIAL MAGISTRATE TIRUCHY

3 THE ADDL. PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE

GOVERNMENT HOSPITAL POLICE STATION, TRICHY TOWN, TRICHY DT,

5 THE INSPECOTR OF POLICE

VILUPURAM TOWN POLICE STATION VILUPURAM

1. CC to M/S.J.ANANDKUMAR Advocate SR.No.39302

DM 23 7 15 - 2P 7C

ORDER IN

CRL OP(MD) No.13215 of 2015

Date :21/07/2015