



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

Thursday, the First day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18093 of 2014

WEB COPY

1 MUTHUPANDI
2 PACKIATHAI

... PETITIONERS / ACCUSED 2 & 3

V.UDAYALAKSHMI

...INTERVENOR

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SENDAMARAM POLICE STATION, TIRUNELVELI DT,
CRIME NO.270/2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SARAVANAN Advocate
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)
For Intervenor : M/S.M.VEILKANI RAJU, Advocate

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

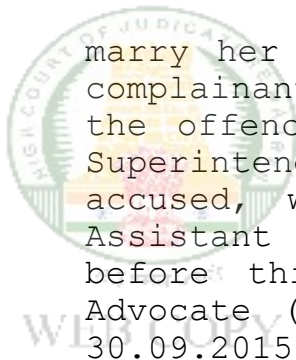
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Section 417, 376, 294(b) and 506(i) IPC and Section 4 of TNPWH Act, in Crime No.270 of 2014 on the file of the respondent Police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant and the 1st accused namely, Senthil Kumar loved with each other and by making promise that he will marry her and took her to Punjab, where he was working in Indian Army and had physical relationship with her for a period of one week and thereafter, she returned her native place and on 06.09.2014 when the 1st accused came to the Village, the 1st accused refused to marry her. When it was informed to the accused Nos.2 and 3, who are parents of A1, they threatened the de facto complainant with dire consequences.

3.The learned counsel for the petitioners submitted that they are innocent persons and they have been falsely roped in this case. It is further submitted that the petitioners have no objection for the marriage between the de facto complainant and the 1st accused. However, they had been implicated in this case with an ulterior motive.

4.When this case was listed for hearing, the respondent filed a status report stating that investigation reveals that A1 had intercourse with the de facto complainant by giving false promise to



marry her and later refused. It is in dispute that the de facto complainant is nineteen years old girl. Considering the gravity of the offence committed by the 1st accused, this Court directed the Superintendent of Police to form a special team to secure the 1st accused, who is working in Indian Army. Today Mr.S.Aravindan, Assistant Superintendent of Police, Tirunelveli District appeared before this Court and submitted through the learned Government Advocate (Crl.side) that the 1st accused has been secured only on 30.09.2015.

5.Considering the overt act attributed against the petitioners 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 arrest or on their appearance before the learned Judicial Magistrate, Tenkasi, and on each of them executing 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 condition that the 1st petitioner shall appear before the respondent police daily at 10.00 am for a period of two weeks and thereafter, as and when required. The 2nd petitioner shall appear before the respondent Police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-
01/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE SUPERINTENDENT OF POLICE, TIRUNELVELI DISTRICT.
 - 5 THE INSPECTOR OF POLICE
SENDAMARAM POLICE STATION, TIRUNELVELI DISTRICT.
- +1. CC to M/S.R.J.KARTHICK, Advocate SR.No.57923

ORDER
IN
CRL OP(MD) No.18093 of 2014
Date :01/10/2015