

CRL.O.P.No.10596 of 2016

S.VAIDYANATHAN, J.

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 362, 417, 376, 294(b), 506(i) of IPC in connection with Crime No.282 of 2016, the petitioners have come forward with this petition seeking anticipatory bail.

2. The second and third petitioners are the brothers of the first petitioner. The case of the prosecution is that the petitioners are alleged to have kidnapped a victim minor girl. The further allegation is that the first petitioner is said to have had physical relationship with the victim girl on the promise of marrying her.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any such offence and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the petitioners have kidnapped a minor girl and the investigation is pending in this case and hence opposed for grant of anticipatory bail to the petitioners.

5. Considering the serious allegations against the first petitioner, this Court is not inclined to grant the relief sought for by the first petitioner. So far as the second and third petitioners are concerned, I am inclined to grant anticipatory bail to the second and third petitioners.

7. Accordingly, the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period

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of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arakkonam 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that :

[a] the second and third petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[b] the second and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the second and third petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second and third petitioners in accordance with law as if the conditions have been imposed and the second and third petitioners 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]**.

8. So far as the first petitioner is concerned, this petition is dismissed.

02.06.2016

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