



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

Thursday, the Twenty Third day of June Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.10080 of 2016

WEB COPY

1 M.KALIMUTHU

2 PANJU

... PETITIONERS/ACCUSED No.2 AND 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

DEVATHANAPATTI POLICE STATION,

THENI DISTRICT.

[CRIME NO. 325 /2016]

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.ALAGUSUNDAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. 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.2 and 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i), 366(A), 365 I.P.C. and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.325 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the one Rajapandi kidnapped the daughter of the de facto complainant, aged 17 years and the petitioners and other accused helped for the love affairs of the said Rajapandi with his daughter. On complaint, case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case. Both Rajapandi and Vairamani, daughter of the de facto complainant, are aged about 18 years and both loved each other and the petitioners have nothing to do with the alleged occurrence.

4.It is submitted by the learned Government Advocate (Crl.Side) that the father of the victim girl filed H.C.P(MD)No.545 of 2016 before this Court and the victim girl has been secured and produced before this Court and now she is in Koduvilarpatti Protection Home, Theni. A.1 was already arrested and remanded to judicial custody.

5.Considering the facts and circumstances of the case and also considering the fact that A.1 was already arrested and remanded to judicial custody and the victim girl has been secured, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the



event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, Theni District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

23/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

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

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

+1. CC to M/S S.ALAGUSUNDAR Advocate SR.No.32554

ORDER

IN

CRL OP(MD) No.10080 of 2016

Date :23/06/2016