



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10441 of 2016

1 MARIMUTHU
2 KRISHNAN
3 KALIAMMAL

... PETITIONERS/ ACCUSED No.2 to 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KARIVALAMVANTHANALLUR POLICE STATION,
SANKARANKOVIL TALUK,
TIRUNELVELI DISTRICT.
IN CRIME NO. 119 OF 2016 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.INDRACHITHU Advocate

For Respondent :MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

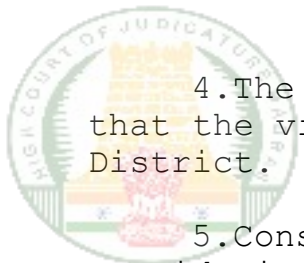
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 4 apprehend arrest at the hands of the respondent police for the offence punishable under Section 376 of IPC, in Crime No.119 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 and the de facto complainant, who is aged about 17 years, eloped to Kerala and got married themselves and A.2, who is the brother of A.1, facilitated one rental house to them and A.3 and A.4 are parents of A.1. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner is the brother of A.1 and the petitioners 2 and 3 are the parents of A.1. The de facto complainant eloped with A.1 to Kerala and got married and on coming to know the marriage, the petitioners arranged a house to them on rental basis and subsequently they did not have any contact with them. A.1 was arrested and still in judicial custody. The petitioners have nothing to do with the alleged occurrence.



4.The learned Government Advocate (Criminal side) submitted that the victim girl was secured and she is in a Home at Tirunelveli District.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are only brother and parents of A.1 and the victim girl was secured and A.1 was arrested and still in judicial custody, 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, Sankarankovil, 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 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 petitioners 1 and 2 shall report before the respondent Police daily at 10.30 a.m. until further orders and the third petitioner shall appear before the respondent police as and when required for interrogation;
- (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/-
28/06/2016

/ TRUE COPY /

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



SMN
TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
SANKARANKOVIL TALUK, TIRUNELVELI DISTRICT.

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

+1. CC to M/S T.INDRACHITHU Advocate SR.No.33513

GJM/ARK/PV/SAR-I-1.7.16-3P-6C

ORDER
IN
CRL OP(MD) No.10441 of 2016
Date :28/06/2016