



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.10448 of 2016

WEB COPY

1 NAGARAJAN
2 PAAL SAMY

... PETITIONERS/ACCUSED No.3 & 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THEVARAM POLICE STATION,
THENI DISTRICT,
CR NO. 72/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.NATARAJAN 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.3 and 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 362, 365 and 366(A) of IPC read with Sections 3 and 4 of POCSO Act, 2012, in Crime No.72 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with the other accused kidnapped the de facto complainant, who is a minor, aged about 15 years and A.1 sexually tortured her. 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. Their names have been falsely implicated in this case. They are in no way connected with the alleged crime. Even as per the statement of the de facto complainant, the petitioners brought the car and dropped the de facto complainant.

4.The learned Government Advocate (Criminal side) submitted that the petitioners along with other accused persons kidnapped the de facto complainant, who is a minor aged about 15 years and A.1 sexually tortured her and the de facto complainant was secured and her statement has been recorded and A.1 was already arrested and released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the victim girl was secured and A.1 was arrested and released on bail, 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, Bodinayakanur, 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 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/-

28/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
BODINAYAKANUR.
- 2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THEVARAM POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S M.NATARAJAN Advocate SR.No.34141

ORDER

IN

CRL OP(MD) No.10448 of 2016

Date :28/06/2016