



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

Wednesday, the Twentieth day of July Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.11196 of 2016

WEB COPY

1 RAMACHANDRA VELAYUTHAM
2 PERIYAMARIAPPAN
3 MURUGAIAH
4 SELVARAJ
5 BOOPATHY

... PETITIONERS/ACCUSED Nos.1,2,3,6 & 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM, TIRUNELVELI DISTRICT.
(CRIME NO.12/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S PALANIVELAYUTHAM 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.1,2,3,6 & 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 366(A) of IPC and Section 9,10,11 of Child Marriage Act, 2016, in Crime No.12 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the accused persons kidnapped the victim girl, who is aged about 16 years, and married with A5. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the accused NO.4 is the wife of the defacto complainant and mother of the victim girl. The defacto complainant is not living with A4 and the victim girl and he left the victim girl and A4 and married another lady. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.The learned counsel for the petitioners submitted that the victim girl appeared before the Principal Sessions Court, Tirunelveli and stated that Selvakodi is her mother and her father, who is the defacto complainant married another woman and he did not look after them for the past four years and she is in the custody of her mother and no marriage held as alleged by the defacto complainant and false case has been given by the defacto complainant in order to separate her from the mother.

5.The learned Government Advocate (Crl.Side) submitted that co-accused were arrested and enlarged on bail in Cr.M.P(MD)Nos.2994 & 3007 of 2016, dated 15.07.2016 and 19.07.2016.



6. Considering the facts and circumstances of the case and also considering the fact that the victim girl is secured and she appeared before the Principal Sessions Court, Tirunelveli and gave a statement, 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, Tenkasi, 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]**.

7. 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/-

20/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

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

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ALANGULAM, TIRUNELVELI DISTRICT.

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

+1. CC to M/S PALANIVELAYUTHAM Advocate SR.No.38051

ORDER IN

CRL OP(MD) No.11196 of 2016

Date : 20/07/2016