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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) Nos.11290 and 11969 of 2016

BERCY PODEL

... PETITIONER/ACCUSED NO.1
IN CLR OP(MD)No.11290 of 2016

1.T.MARIA GUNASEELI KILAN
2.A.S.PAULRAYAN
3.AMIRTHA SANTHAN

...PETITIONERS/ACCUSED NO.2 TO 4
IN CLR OP(MD)No.11969 of 2016

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 61/2016

... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

PACKIAM

... INTERVENOR IN CRL MP(MD)NO.5729 OF 2016
IN CRL OP(MD)NO.11290 OF 2016

For Petitioner : M/S R.SUBBURAJ Advocate in both petitions

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

For Intervenor : MR.PORKODI KARNAN FOR POLAX LEGAL SOLUTIONS,Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
COMMON ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 307 and 366(A) IPC, in Crime No.61 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 03.07.2016, the accused persons kidnapped the daughter of the de facto complainant in a car and when the same was obstructed by the de facto complainant, the accused persons attacked the de facto complainant. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The victim herself filed a petition in Crl.O.P(MD)No.11580 of 2016 before this Court seeking police protection and this Court after recording the statement of the learned Government Advocate (Criminal side) that police protection will be given by the respondent, closed the petition.



4.The learned Government Advocate (Criminal side) submitted that the victim girl is aged about 19 years old and she filed a petition for police protection before this Court and she is not appearing before the police. Injured person had been discharged from the hospital.

5.The learned counsel for the intervenor submitted that the victim girl is not a major and she is only a minor and already the mother of the victim filed H.C.P(MD)No.861 of 2016 on the file of this Court and the same is posted to 01.08.2016.

6.Considering the facts and circumstances of the case and also considering the fact that the victim girl already filed a petition for police protection before this Court and and this Court after recording the statement of the learned Government Advocate (Criminal side) that police protection will be given by the respondent, closed the petition, 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 District Munsif cum Judicial Magistrate, Rameshwaram, 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 10.00 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/-
28/07/2016

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESHWARAM.

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2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+2. Ccs to M/S R.SUBBURAJ Advocate SR.Nos.40213 & 40214
+1cc to M/S.POLAX LEGAL SOLUTIONS, Advocate in SR.No.40254

ORDER

IN

CRL OP(MD)Nos.11290 and 11969 of 2016
Date :28/07/2016

PA/SK-SKN/SAR I/01.08.2016/3P/8C