



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

Thursday, the Fourth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.11666 of 2016

1 BALAMURUGAN
2 SHANMUGAIAH
3 KANDASAMY

... PETITIONERS/ACCUSED 1 to 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
SATTUR,
VIRUDHUNAGAR DISTRICT,
CR NO. 200/2016.

...RESPONDENT/COMPLAINANT

For Petitioner : M/S P.SARAVANAKUMAR 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 :-

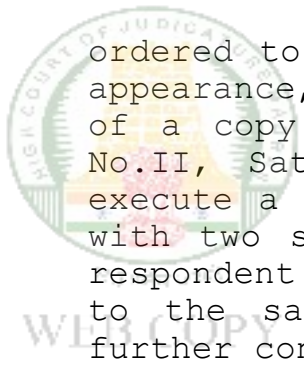
The petitioners, who are arrayed as Accused Nos.1 to 3 apprehend arrest at the hands of the respondent police for the offences punishable under Section 366-A IPC @ Section 366-A IPC and Sections 7 read with 8 and 17 of Protection of Children from Sexual Offences Act, in Crime No.200 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 07.07.2016, the first petitioner kidnapped the minor daughter of the de facto complainant with the help of the petitioners 2 and 3. On complaint, a 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 first petitioner and the victim girl fell in love and due to that the victim girl, on consent, went with the first petitioner. The petitioners 2 and 3 did not commit any offence as alleged by the prosecution. The victim girl was secured on 09.07.2016 and she was handed over to her parents.

4.The learned Government Advocate (Criminal side) submitted that the petitioners kidnapped the minor daughter of the de facto complainant and on the complaint given by the de facto complainant, a case has been registered and the statement of the victim girl under Section 161(3) CrPC has been recorded.

5.Considering the nature of allegation levelled against the petitioners, 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 No.II, Sattur, 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 first petitioner shall report before the respondent Police daily twice i.e., at 10.00 a.m. and 05.00 p.m. until further orders and the petitioners 2 and 3 shall report 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/-
04/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.11, SATTUR.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SATTUR TALUK POLICE STATION, SATTUR, VIRUDHUNAGAR DISTRICT,
- +1. CC to M/S P.SARAVANAKUMAR Advocate SR.No.42068.

ORDER
IN
CRL OP(MD) No.11666 of 2016
Date : 04/08/2016