



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12104 of 2016

PALANI @ PALANIAPPAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MANIKANDAM POLICE STATION,
TRICHY DISTRICT,
CR NO. 42 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S P.GANAPATHI SUBRAMANIAN Advocate

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

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

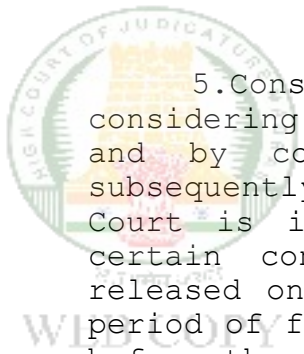
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 366(A) IPC, in Crime No.42 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner kidnapped the minor daughter of the de facto complainant. On complaint case has been registered for the above said offence.

3.The case of the petitioner is that the victim Ramya is not a minor and she is a major and by consent both the petitioner and victim got married on 20.04.2016 and due to the opposition by family members of the de facto complainant, both consumed poison and went to Nagamangalam Police Station and they admitted the petitioner and victim Ramya in Government Headquarters Hospital, Trichy. Within two days, the victim Ramya died and the petitioner came to know about the death of Ramya after 30 days. Again, he consumed poison and tried to commit suicide. He is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that the petitioner kidnapped the minor girl of the de facto complainant, whose date of birth is 30.06.1997 and due to the abetment of the petitioner, the victim girl consumed poison and committed suicide. After taking poison, she appeared before Edamalaipatti Pudur Police Station and they submitted her to the Government Headquarters Hospital, Trichy and she died after two days. Investigation is pending.



5.Considering the facts and circumstances of the case and also considering the fact that the date of birth of the victim is 30.06.1997 and by consent both the petitioner and victim got married and subsequently due to fear both consumed poison and victim was died, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Trichirappalli on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner is complying with the conditions or not.

sd/-

29/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPPALLI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI,

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, MANIKANDAM POLICE STATION, TRICHY DISTRICT,

+1. CC to M/S P.GANAPATHI SUBRAMANIAN Advocate SR.No.40783.

ORDER

IN

CRL OP(MD) No.12104 of 2016

Date :29/07/2016