



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

Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12589 of 2016

MANIKANDAN,

...PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.178 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.LENIN KUMAR Advocate

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

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

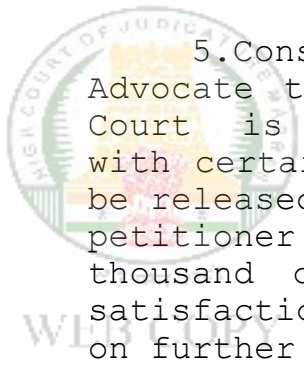
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 366(A) IPC and Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012, and Section 9 of Child Marriage Act, 2006, in Crime No.178 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 06.05.2016, the petitioner along with other accused, entered into the house of the defacto complainant and kidnapped her daughter, Surya, aged about 17 years. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that due to previous enmity the petitioner's name has been falsely implicated in this case. He is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submitted that the victim is secured and statement under Section 164(5)Cr.P.C. is recorded. If the petitioner is released on anticipatory bail, he will tamper the evidence and hamper the investigation.



5. Considering the submissions made by the learned Government Advocate that the statement of the victim girl is recorded, this Court is inclined to enlarge the petitioner on anticipatory bail with certain conditions. Accordingly, the petitioner is ordered to be released on anticipatory bail, subject to the conditions 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 Judicial Magistrate (Mahila Court), Trichy and on further condition that,

- (i) the petitioner shall report before the respondent police daily at 10.30 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 condition or not.

sd/-

05/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE (MAHILA COURT), TRICHY.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, KALLAKUDI POLICE STATION, TRICHY DISTRICT.

+1. CC to M/S T.LENIN KUMAR Advocate SR.No.42443.

ORDER

IN

CRL OP(MD) No.12589 of 2016

Date : 05/08/2016