



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13051 of 2016

P.KEVIN SAHAYAM

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI CITY,
(CRIME NO.12 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.SUKUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

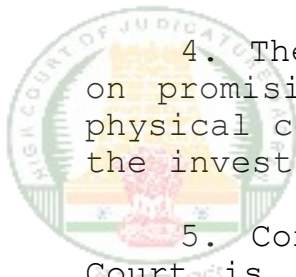
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 376 and 417 of IPC in Crime No.12 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner on promising to marry the defacto complainant had a physical contact with her. Subsequently, the defacto complainant came to know that the petitioner is planning to marry one Malar Seeli and betrothal was held on 18.10.2015 for the marriage scheduled to be held on 30.12.2015. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the defacto complainant approached the petitioner to marry her. The parents of the petitioner did not agree for the marriage and arranged the petitioner's marriage with one Malarseeli. The defacto complainant with an intention to stop the marriage of the petitioner informed the parents of the Malar Seeli and subsequently, the family members of the petitioner explained to the parents of the Malarseeli and after satisfying the same, their marriage was solemnized on 12.02.2016. He further submitted that the petitioner is innocent and he has committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Crl. Side) submitted that on promising to marry the defacto complainant the petitioner had physical contact with her and subsequently, refused to marry her and the investigation of the case is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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.I, Thirunelveli and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 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 petitioner is complying with the condition or not.

sd/-

02/08/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,

PALAYAMKOTTAI, TIRUNELVELI CITY,

+One cc to M/S.S.SUKUMAR, Advocate, SR.No.41329

RL/6C/2P/SKS/RR/SARI/5/8/2016

ORDER

IN

CRL OP(MD) No.13051 of 2016

Date :02/08/2016