



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.13912 of 2016

1 ESWARI
2 MUNEESWARAN
3 SELVI

... PETITIONERS/ACCUSED 2 to 4

Vs

STATE REP.BY INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
CRIME NO.16 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.RAMESH KUMAR Advocate

For Respondent : M/S.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.2 to 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 376 and 506(ii)IPC in Crime No.16 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

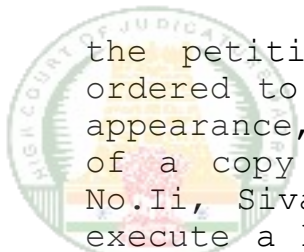
2.The case of the prosecution is that the daughter of the defacto complainant is a mentally retarded person. On 20.07.2016, she informed that the first accused has raped her and when the same was questioned by the defacto complainant to the petitioners, they threatened her with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to motive, their name have been falsely implicated in this case. They are no way connected in this case.

4.The learned Government Advocate (Criminal side) submitted that on complaint, a case has been registered and investigation is pending. A1 was already arrested and remanded to judicial custody.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the nature of the allegation made 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, Sivagangai, 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 second petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders and the other petitioners 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/-

05/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.RAMESH KUMAR Advocate SR.No. 42409

pjl

JA-KBM-SAR-I/11.08.2016/2P:6C

ORDER IN

CRL OP(MD) No.13912 of 2016

Date :05/08/2016