



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

Monday, the Eighth day of August Two Thousand Sixteen

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PRESENT

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

CRL OP (MD) No.14096 of 2016

1 PRABAKARAN

2 PALANI

3 MANOJ

... PETITIONERS/ACCUSED 5 to 7

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 61 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.KANNAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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.5 to 7, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366(A) and 307 IPC, in Crime No.61 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 03.07.2016, the petitioners along with the other accused persons attacked the defacto complainant and kidnapped his daughter of the defacto complainant. On complaint, a 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. The victim herself filed a petition in Crl.O.P. (MD).No.111580 of 2016 before this Court seeking police protection and this Court, after recording the statement of the learned Government Advocate (Criminal side) that police protection will be given by the respondent, closed the petition. The co-accused were released on bail by this Court, by order, dated 28.07.2016, in Crl.O.P. (MD).Nos.11290 and 11969 of 2016.



4.The learned Government Advocate (Criminal side) submitted that the victim girl is aged 19 years old and she filed a petition for police protection before this Court and she is not appearing before the police. Injured person was discharged from the hospital.

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5.Considering the facts and circumstances of the case and also considering the fact that the victim girl already filed a petition for police protection before this Court and this Court after recording the statement of the learned Government Advocate(Crl. Side), that police protection will be given by the respondent, closed the petition, 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, Rameshwaram, Ramanathapuram District, 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (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/-

08/08/2016

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



TO

1 THE JUDICIAL MAGISTRATE
RAMESHWARAM, RAMANATHAPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
PAMBAN POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.KANNAN Advocate SR.No.42734

ORDER

IN

CRL OP(MD) No.14096 of 2016

Date :08/08/2016

PJL

SH/ARK-PV/SAR-III:11.08.2016:3P/6C