



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.15152 of 2016

WEB COPY

1 SELVANAYAGAM

2 DEVAKI

... PETITIONERS/ACCUSED NO.2 AND 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,KANYAKUMARI,
KANYAKUMARI DISTRICT.

(IN CRIME NO. 12 OF 2013)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.SURESH 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 petitioners, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 141, 508, 420 and 506(i) IPC @ Sections 508, 376(g), 420, 342 and 506(i) IPC in Crime No.12 of 2013, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons informed the de facto complainant that all her family members were in trouble and induced her to come to the prayer hall along with the articles kept in his house. Due to fear, the de facto complainant took 18½ sovereigns of gold jewels and Rs.6,500/- and went to the prayer hall. The petitioners and other accused persons took her to Tiruppur and sexually harassed her. On complaint, a case has been registered for the above said offences.

3.Originally, the petitioners were arrayed as A.2 and A.3 and in the final report, their names were deleted and after investigation they have been arrayed as accused.

4.According to the petitioners, even after deleting their names in the final report, the respondent police is harassing them and therefore they have come up with the present petition. They are innocent persons and they have not committed any offence as alleged by the prosecution.



5.The learned Government Advocate (Crl. Side) submitted that initially the petitioners names were deleted in the final report and as per the order of this Court, re-investigation was conducted and based on the statement given by the victim under Section 164 CrPC before the learned Judicial Magistrate No.I, Nagercoil, on 27.04.2016, the petitioners are arrayed as accused. On 25.08.2016, an additional charge sheet was filed before the Trial Court, arraying the petitioners as accused. If the petitioners are enlarged on anticipatory bail, they will tamper the evidence and they will abscond.

6.Considering the facts and circumstances of the case and also considering the serious nature of allegation against the petitioners and the statement given by the victim under Section 164 CrPC before the learned Judicial Magistrate No.I, Nagercoil, custodial interrogation of the petitioners is necessary and therefore this Court is not inclined to grant anticipatory bail to the petitioners and accordingly this petition is dismissed.

sd/-

30/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.15152 of 2016

Date : 30/08/2016

SD/CK/SAR I/06.09.2016/2P/5C