



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.15284 of 2016

1 VIJAYA CHANDRIKA
2 DEVI

... PETITIONERS/ACCUSED no. 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE,
BADLAGUNDU POLICE STATION, DINDIGUL DISTRICT
CR.NO. 195 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.JAWAHAR Advocate
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused nos.1 and 2 were arrested and remanded to judicial custody on 07.06.2016 for the alleged offences punishable under Section 366 of IPC in Crime No.195 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that son of the second petitioner viz., Muthumani @ Arun Karthick had eloped with one Sasmitha Begam. On complaint, a case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. The son of the second petitioner and Sasmitha Begam were in contact with Face Book and through Internet and eloped on their own volition. The petitioners are nothing to do with the alleged offence and they are in judicial custody from 07.06.2016.

4. The learned Government Advocate(Crl.side) submitted that the victim is 25 years and she is now with her parents and the parents of the victim filed HCP and the same was closed.

5. Considering the nature of allegations against the petitioners and the victim girl is now with her parents and the petitioners are in judicial custody from 07.06.2016, this Court is



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inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

- (i) 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 learned Judicial Magistrate, Nilakkottai.
- (ii) the petitioners shall appear before the respondent Police as and when required for interrogation.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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 condition or not.

sd/-

19/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
- 3 THE INSPECTOR OF POLICE,
BADLAGUNDU POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE, WOMEN JAIL, NILAKOTTAI
- +1. CC to M/S A.JAWAHAR Advocate SR.No.45751

ORDER

IN

CRL OP(MD) No.15284 of 2016

Date : 19/08/2016