



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15710 of 2016

ANTHONY

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY ITS
THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARANKOIL TIRUNELVELI DISTRICT
(CRIME NO.7/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.JEEN FELIX 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 petitioner is arrayed as accused No.2, who was arrested and remanded to judicial custody on 31.05.2016 for the alleged offences punishable under Sections 376, 354, 506(i) IPC, Section 67 of IT Act 2000 and Section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002 in Crime No.7 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the accused persons forcibly kidnapped the defacto complainant and took her to nearby maize plantation and A1 raped her and the same was shot by A2/petitioner. Thereafter, the petitioner threatened the defacto complainant for sexual intercourse with him and she refused for the same. The petitioner forwarded the pictures to A3, who is the husband of the Panchayat President of Vagaikulam Village and he circulated the photographs in the Village. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 31.05.2016.

4.The learned Government Advocate (Crl. side) submitted that if the petitioner is released on bail, he will tamper the evidence and hamper the investigation.



5. Considering the facts and circumstances of the case and the petitioner is in judicial custody from 31.05.2016, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) 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 learned Judicial Magistrate, Sankarankovil.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

29/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOIL
- 2 THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SANKARANKOIL TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 5 THE OFFICER INCHARGE, SUB JAIL, SANKARANKOIL

+1. CC to M/S.JEEN FELIX Advocate SR.No.47933

ORDER

IN

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Date :29/08/2016