



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

Tuesday, the Twenty Seventh day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

CRL OP(MD) No.17923 of 2016

1 SRINIVASAN
2 RAJAMANI
3 INNACHIMUTHU

..PETITIONERS/ACCUSED 1 TO 3

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.
CR NO. 21 OF 2016.

..RESPONDENT/COMPLAINANT

R.RAMALAKSHMI

..INTERVENOR

For Petitioner : M/S.G.THIRUVARUTSELVAN Advocate
For Respondent : Mr.K.V.RAJARAJAN, Government Advocate (Crl.Side)
For Intervenor : Mr.R.SAKKARAVARTHI, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Petitioners, who are arrayed as Accused Nos.1 to 3, pray for the grant of anticipatory bail under Section 438 of Cr.P.C. for the offences punishable under Sections 341, 294(b), 323, 506(i), 417 and 366(A) IPC altered into Sections 7 and 8 of POCSO Act, 2012, in Crime No.21 of 2016 on the file of the respondent police.

2.The case of the prosecution is that the first petitioner kidnapped the defacto complainant's minor daughter and petitioners 2 and 3 made arrangements for marriage between the first petitioner and the defacto complainant's daughter.

3.The learned counsel for the petitioners submits that the first petitioner and the daughter of the defacto complainant loved each other and she voluntarily on her own accord left out from her home and went to Coimbatore along with the first accused. However, on the advice of the elders, they returned back to their Village. The defacto complainant's daughter compelled the first petitioner to arrange for the marriage between them, but he promised to marry her, after she attains majority.

4.The learned counsel for the Intervenor raises strong objection seeking to inform this Court the involvement of the second



and third petitioners in the case of kidnap of the defacto complainant's minor daughter.

5. In this case, two episodes. One in which the victim girl went away with the first petitioner/first accused and both of them returned to the Village on the advice of the elders and another in which, the defacto complainant party was attacked owing to their rightful not to do with the marriage between the first accused and the victim girl, since she was under aged.

6. Heard the learned Government Advocate (Crl. Side).

7. On consideration of the facts and circumstances of the case and the submissions made, this Court is of the view that the petitioners 2 and 3 can be granted the relief prayed for and accordingly;

(a) In the event of arrest by or on appearance before the respondent police;

(b) In the event of appearance before the learned Mahila Judge, Srivilliputhur, within 15 days from the date of receipt of copy of the order,

(i) petitioners 2 and 3 shall be enlarged on bail on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each for the like sum to their satisfaction;

(ii) petitioners 2 and 3 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer;

(iii) petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required.

8. Insofar as the first petitioner is concerned, this Criminal Original Petition is dismissed.

sd/-

27/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE MAHILA JUDGE, MAHILA COURT, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, SATTUR, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.G. THIRUVARUTSELVAN Advocate SR.No.56303

+1cc to M/s.R. SAKKARAVARTHI, Advocate in SR.56033

ORDER IN

CRL OP(MD) No.17923 of 2016

Date : 27/09/2016