



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

Thursday, the Third day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19804 of 2016

WEB COPY

1 SUBBU

2 SELVARAJ

3 MUTHU

... PETITIONERS / ACCUSED Nos.6,8 &10

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT
(CRIME NO.209 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.K.RAMAKRISHNAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 417 and 306 of IPC, in Crime No.209 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel on either side.

3.The learned counsel appearing for the petitioners submitted that A1 and the victim girl loved with each other and on 25.09.2016, A1 abducted the victim and married. As the age of A1 is 19 years, the marriage could not be registered. Based on the complaint of the father of A1, the respondent Police secured both of them and the victim was sent to her parents and both the parents agreed to make arrangement for marriage after A1 and the victim attained majority. In the meantime, the boy and girl ran away from the family and therefore, the defacto complainant has given a complaint. The parents of the victim persuade the victim girl to give a complaint and a case was registered initially under Sections 417 and 376 of IPC. Thereafter, the victim girl has committed suicide. But the entire villagers informed that the girl was murdered by her family members.

4.According to the prosecution, A4, A5, A7 and A9 were arrested and they are in custody and the petitioners and other

<https://hcsn.cslcourts.gov.in/services>

5.It is after investigation whether the sections 376 and 306 are attracted or not, is a matter for investigation. Therefore,



the custodial interrogation of the petitioners may not be required at this stage.

6. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peraiyur 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 respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

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

(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 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 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]**.

sd/-
03/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.1)

TO

- 1 THE JUDICIAL MAGISTRATE
PERAIYUR.
 - 2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 - 3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION, MADURAI DISTRICT
 - 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.K.RAMAKRISHNAN Advocate SR.No.65440

ORDER
IN

CRL OP(MD) No.19804 of 2016
Date :03/11/2016