



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

Tuesday, the Eighteenth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19900 of 2016

1 R.SURESH,
2 P.KARTHICKRAJA

...PETITIONERS/ACCUSED Nos.5 & 6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PALANICHETTYPATI POLICE STATION,
THENI DISTRICT
CR.NO. 515 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVANAYAGAM Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

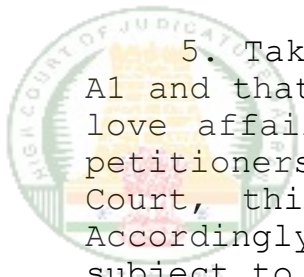
ORDER : The Court Made the following order :-

The petitioners/A5 and A6, who were arrested on 20.09.2016 for the offences punishable under Sections 147, 294(b), 506(1) IPC and Section 12 of POCSO Act, 2012 in Crime No.515 of 2016 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that A1 loved the daughter of the defacto complainant and other accused compelled the defacto complainant and his daughter for arranging marriage of A1 with the daughter of the defacto complainant and threatened them.

3. The learned counsel for the petitioners would submit that A1 was granted anticipatory bail under orders in Crl.O.P.(MD)No.19337 of 2016 on 06.10.2016 and A3 and A4 were granted anticipatory bail under orders in Crl.O.P.(MD) No.18410 of 2016 on 26.09.2016. He would further submit that admittedly, there is love affair between A1 and the defacto complainant and the petitioners are friends of A1 and they have nothing to do with commission of offence.

4. Heard the learned Government Advocate(Crl. Side) on the above submission.



5. Taking note of the facts that the petitioners are friends of A1 and that except the allegation that the petitioners helped A1 in love affair, there is no specific allegation levelled against the petitioners and A1 was already granted anticipatory bail by this Court, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

- (i) the petitioners shall execute a separate 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 Judicial Magistrate, Theni;
- (ii) the petitioners are directed to appear before the respondent police at 10.30 a.m. until further orders;
- (iii) the petitioners shall not tamper with the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
18/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM, THENI DISTRICT.
- 5 THE INSPECTOR OF POLICE, PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT

+1. CC to M/S.D.SELVANAYAGAM Advocate SR.No.61147.

ORDER
IN
CRL OP (MD) No.19900 of 2016
Date : 18/10/2016