



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

Friday, the Second day of December Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22875 of 2016

1 LAKSHMANAN

2 SELVI

... PETITIONERS/ACCUSED-2&3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

PERAIYUR POLICE STATION, MADURAI DT.

CR NO.209 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM Advocate

For Respondent : Mrs.S.PRABHA, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

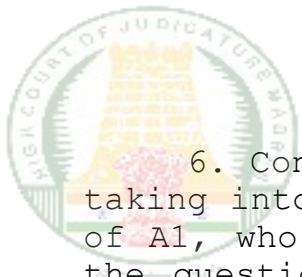
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 417 and 306 IPC in Crime No.209 of 2016 on the file of the respondent police, the petitioners/A2 & A3 have come forward with this petition, seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that A1 in this case, who is the son of these petitioners, has eloped with the defacto complainant's daughter and subsequently, it is alleged that his daughter committed suicide in the field, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that these petitioners are only parents of A1 and they have been falsely implicated in this case.

5. Learned Government Advocate (Crl.Side) submitted that the investigation of the case is pending.



6. Considering the facts and circumstances of the case and also taking into account the fact that these petitioners are only parents of A1, who is the main accused in this case and also the fact that the question as to whether the ingredients of Sections 306 IPC or other provisions of IPC will get attracted or not is the matter for investigation and subsequently, the same has to be established before the Trial Court, this Court is of the view that custodial interrogation of these petitioners is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. 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 **District Munsif-cum-Judicial Magistrate, Peraiyur, subject to the following conditions:**

(i) each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **with two common sureties** 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 05:00pm until further orders 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 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/-
02/12/2016

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



TO

1 THE DISTRICT CUM JUDICIAL MAGISTRATE,
PERAIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.78472

ORDER

IN

CRL OP(MD) No.22875 of 2016

Date :02/12/2016

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