



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

Wednesday, the Twenty Ninth day of June Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.2629 of 2016

MUTHU PANDI

... PETITIONER/ACCUSED NO.1

Vs

1 THE STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, JEEYAPURAM,

TRICHY DISTRICT. CR. NO.1/2016.

2 K.RADHIKA

(R2 IS IMPEADED AS PER THE ORDER OF THIS HON'BLE COURT

DATED 26/2/2016 AND MADE IN CRL.MP.1810/16 IN

CRL.OP (MD) NO.2629/2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S M.PITCHAI MUTHU Advocate

For Respondent : M/S.P.KANNITHEVAN

Government Advocate (Crl. Side)

For Intervenor : M/S.G.CHANDRASEKARAN, Advocate

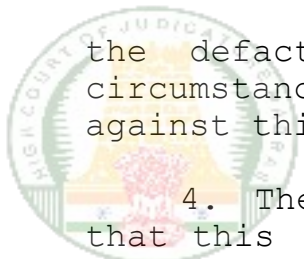
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 376, 417, 420 and 506(ii) of IPC in Crime No.1 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner kidnapped one Radhika on giving false promise to marry had a physical contact with her. Subsequently, he refused to marry her. On complaint, a case has been registered against the petitioner for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that both the defacto complainant and the petitioner were loving each other and both the parents arranged the marriage and the marriage was solemnized at Veerakumaraswamy Temple, Vellakoil. He further submitted that the petitioner is not having permanent income and therefore, dispute arose between the petitioner and the defacto complainant. The petitioner went to Thirupur for his employment. In the meantime,



the defacto complainant gave birth to female child. In such circumstances, the defacto complainant has given a false complaint against this petitioner.

4. The learned counsel for the petitioner further contended that this petition has been referred to Mediation and Conciliation Centre attached to this Court and subsequently, this Court directed the defacto complainant to register the marriage and produce the marriage certificate. As per the order of this Court, the petitioner and his parents has given application before the Sub Registrar, Vadamadurai. Subsequently, the petitioner and witnesses were called for enquiry, while so, on 01.06.2016, the defacto complainant was not present before the Sub Registrar Office, Vadamadurai. Therefore, by letter dated 01.06.2016, the Sub Registrar, Vadamadurai written a letter to the Inspector of Police, All Women Police Station, Jeyapuram stating that the defacto complainant has not appeared for registering the marriage.

5. The learned Government Advocate (Crl. Side) submitted that even after receiving the summon the defacto complainant was not present and the investigation of the case is pending.

6 Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Trichy, Trichy District and on condition that 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

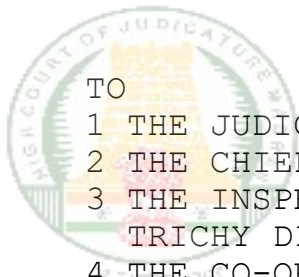
[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-
29/06/2016

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TO

1 THE JUDICIAL MAGISTRATE NO.III, TRICHY

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, JEEYAPURAM,
TRICHY DISTRICT.

4 THE CO-ORDINATOR

MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 CC to M/S M.PITCHAI MUTHU Advocate SR.No.34097

JA-DB/SAR.I/4.7.2016/2P:6C

ORDER IN

CRL OP(MD) No.2629 of 2016

Date :29/06/2016