



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Eleventh day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3486 of 2016

1 M. AROCKIA DENCY

2 A. ELIZABETH MALATHI

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL,
CRIME NO. NOT KNOWN OF 2016.

... RESPONDENT/ COMPLAINANT

FOR PETITIONER : M/S J.LAWRANCE ADVOCATE

FOR RESPONDENT : MR.A.P.BALASUBRAMANI GOVT. ADVOCATE (CRL. SIDE)

PETITION FOR ANTICIPATORY BAIL UNDER SEC. 438 CR.P.C.

ORDER : The Court Made the following order :-

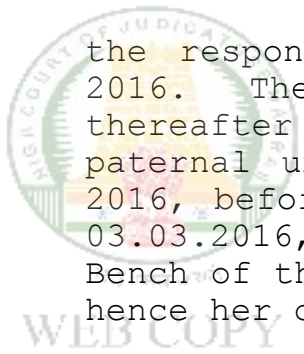
The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 363 and 506(ii) I.P.C., in Crime No. Not Known of 2016, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.J.Lawrance, learned counsel appearing for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that on 26.02.2016 when the matter came up for hearing, it was represented by the learned Government Advocate (Criminal Side) that petition enquiry was pending and hence this Court granted interim anticipatory bail to the petitioners on condition that the first petitioner should report before the respondent Police daily at 10.30 a.m., and the second petitioner should report before the respondent Police as and when required for interrogation.

4. Today, when the matter is taken up for hearing, the learned Government Advocate (Criminal Side) has submitted that the respondent Police, after conducting enquiry, has registered a regular case, in Crime No.120 of 2016, on the complaint lodged by the *de facto* complainant, under Section 363 I.P.C.

<https://hcservices5.secure.ssg.gov.in/hcservices/>
5. It is seen that on the complaint lodged by one Maria Louis, son of Savarimuthu complaining that his granddaughter, by name, Margret Dency is in the illegal custody of the petitioners herein,



the respondent Police has registered a case, in Crime No.120 of 2016. The parents of Margret Dency died in a road accident and thereafter she was being brought up by the petitioners, who are her paternal uncle and aunt. Maria Louis filed H.C.P.(MD) No.270 of 2016, before this Court for the production of Margret Dency and on 03.03.2016, when Margret Dency was produced before the Division Bench of this Court, she opted to go with the petitioners herein and hence her custody was handed over to the petitioners herein.

6. Taking into consideration the above facts, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Dindigul, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned 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 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]**.

7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
11/03/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. I DINDIGUL,
2. THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
3. THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S J. LAWRENCE Advocate SR.No.14060

CN/SKN-SK/16.03.2016/3P-6C

ORDER
IN
CRL OP (MD) No.3486 of 2016
Date : 11/03/2016