



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

Wednesday, the Twenty Seventh day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.7180 of 2016

M. SELVAM

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT,
CR.NO.38 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.KRISHNAMOORTHY, 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 :-

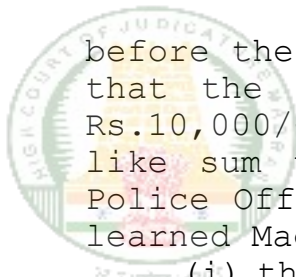
The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offence punishable under Section 376 I.P.C., in Crime No.38 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.S.Krishnamoorthy, learned counsel appearing for the petitioner / accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. On reading of the F.I.R., it is seen that the *de facto* complainant is aged about 21 years and she was in love with the petitioner / accused and they had marital relationship, on account of which they have begotten a child. Now, it is seen that both of them got married on 15.12.2015 and the *de facto* complainant has also given a statement before the respondent Police that she is withdrawing the complaint given against the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner / accused and the *de facto* complainant are living together under one roof as husband and wife.

5. Taking into consideration the above facts, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner / accused. Accordingly, he 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 No.I, Nagercoil, on condition that the petitioner /accused 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 petitioner / accused shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner / accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / accused 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 petitioner / accused in accordance with law as if the conditions have been imposed and the petitioner / accused 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/-
27/04/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S S.SURESHKUMAR Advocate SR.No.24582

RG.NGM-SS/SAR-I 04/05/2016 2P/6C

ORDER
IN
CRL OP(MD) No.7180 of 2016
Date :27/04/2016