



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.7820 of 2016

1 SANJIVIKUMAR
2 PAPATHI
3 NATARAJAN

... PETITIONERS/ ACCUSED NOS.A1,A3 AND A5

Vs

STATE REP.BY THE
INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL.CRIME NO. 10 OF 2016
DINDIGUL DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S AK.AZAGARSAMI Advocate

For Respondent : Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

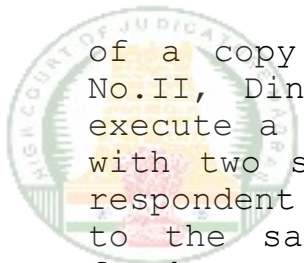
The petitioners, who are arrayed as Accused Nos.1,3 and 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 312, 294(b), 506(i) and 109 IPC, in Crime No.10 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 and the de facto complainant loved each other for more than 12 years and on the promise of marrying her, A.1 had physical contact with her and she was pregnant and with the help of A.4 and A.5, A.1 aborted the foetus on 05.06.2013 and subsequently A.1 refused to marry her. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to previous motive, a false case has been foisted against the petitioners. 1st petitioner married the de facto complainant on 18.05.2016.

4.The learned Government Advocate (Criminal side) submitted that the first petitioner/A.1 married the de facto complainant on 18.05.2016.

5.Considering the facts and circumstances of the case and also considering the fact that the first petitioner/A.1 married the de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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.II, 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 daily at 10.00 a.m. until further orders.
- (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]**.

6.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/-
24/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
DINDIGUL. DINDIGUL DISTRICT.

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

+1. CC to M/S AK.AZAGARSAMI Advocate SR.No. 33664
SMN
JA-NGM-MP.SAR.I/29/06/2016/2P:6C

ORDER IN
CRL OP(MD) No.7820 of 2016
Date :24/06/2016