



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

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10989 of 2017

1 R.RAJADURAI
2 S.MURUGAN

... PETITIONERS / ACCUSED NOS.1 & 3

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE
AMBATHURAI POLICE STATION, DINDIGUL DISTRICT.
CRIME NO. 203 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.VIDYA Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

For Intervenor : Mr.K.MU.Muthu, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 366 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.203 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl is the daughter of A1's sister, A2 is the son of A1 and for marrying the victim girl, all the accused are said to have kidnapped her and took her to Sirumalai and kept for 5 days in a garden, which belongs to A1 and thereafter, she was left out from that place. It is further submitted that no sexual torture was give to the de facto complainant while she was in the custody of the accused. The case was referred to mediation and it was failed.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that victim girl married the 1st petitioner and when she was refused to live with him he filed a petition in H.M.O.P.No.153 of 2017 for restitution of conjugal rights before the Family Court, Dindigul. He also contended that the petitioners have not committed any offence as alleged by the de facto complainant and the de facto complainant has



preferred the instant false complaint by suppressing several material facts and the marriage was solemnized on 27.04.2017 between the victim and the 1st petitioner.

4.The learned counsel for the petitioners further submitted that the victim had love affair with the 1st petitioner and on coming to know about the parents of the victim, they warned her and in these circumstances, the victim has voluntarily left her parental home and on 27.04.2017 the marriage of the victim and the 1st petitioner was performed at Dindigul Town. He further contended that due to some misunderstanding arose between the 1st petitioner and the victim, they had not lead their life happily, however, the 1st petitioner's father and other family elders have attempted to settle the dispute, but it was ended in vain. Hence, the 1st petitioner has chosen to prefer a complaint against the victim.

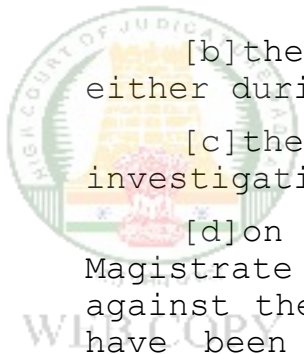
5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused in this case and A1 is the father of A2 and A3 is the close relative of A1. He further submitted that petitioners herein are arrayed as A2 & A3 respectively and A1 was arrested and released on bail by this Court as per order in CrI.O.P(MD)No.11860 of 2017 dated 12.09.2017 and investigation is still pending.

6.The learned counsel for the intervenor reiterated the contentions of the learned Additional Public Prosecutor. He further submitted that the said H.M.O.P was filed only after registration of this case and no such marriage was held between the 1st petitioner and the victim girl and while the victim was going to receive educational certificate all the accused have kidnapped her and detained her for 5 days and thereafter, she had left from that place.

7.Considering the facts and circumstances of the case and also taking note of the fact that the victim girl is the daughter of A1's sister and it is admitted that no sexual torture was given to the victim girl while she was in the custody of accused, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Dindigul on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police

daily at 10.30 a.m. until further orders.



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

[c]the petitioners 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 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)**.

sd/-
20/09/2017

/ 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 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL
- 3 THE INSPECTOR OF POLICE
AMBATHURAI POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1CC TO MR.K.MU.MUTHU, ADVOCATE SR.NO.31165
+1CC TO MR.J.LAWRANCE, ADVOCATE SR.NO.31193

ORDER
IN
CRL OP(MD) No.10989 of 2017
Date :20/09/2017

SM:PM-PN:SAR I:26.9.2017:3P/7C