



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1237 of 2018

1 JANANIKUMAR
2 DEIVENDRAN
3 PATTANI MURUGAN
4 VETRI

... PETITIONERS/ACCUSED Nos.1 to 4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ERIYODU POLICE STATION,
DINDIGUL DISTRICT,
IN CRIME NO. 24/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.SATHYA CHIDAMBARAM Advocate
For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 341, 506(i) and 363 of IPC in Crime No.24 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 12.01.2018, while the victim girl, aged 14 years, was grazing the goats on Koombur to Puliampatti Road, the petitioners kidnapped her in a two wheeler and kept her in the house of the first petitioner/A1. Thereafter, the defacto complainant went to his house and secured his daughter. At that time, the petitioners assaulted the defacto complainant, abused him by using filthy language and threatened with dire consequences. Hence, the case has been registered against the petitioners for the above said incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the first petitioner and the victim girl loved each other. Hence, the victim girl voluntarily went to the house of the first accused. According to him, due to the previous family dispute, the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that there are four accused involved in this case and the victim girl was secured. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of alleged occurrence, the first petitioner/A1 with the help of other three accused kidnapped the victim girl, aged about 14 years. During the time of investigation, the fact reveals that the alleged offence was happened due to the family dispute over the petitioners' family and the defacto complainant's family, due to which another one case was registered in Crime No.25 of 2018 in the same police station. As of now, the victim girl was secured. So, considering the nature of offence committed by the petitioners, custodial interrogation is not necessary for further investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain stringent conditions. Accordingly, the petitioners 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, Vedasanthur, Dindigul District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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., untill 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 anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-

25/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
ERIYODU POLICE STATION, DINDIGUL DISTRICT

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.1419

ORDER

IN

CRL OP(MD) No.1237 of 2018

Date :25/01/2018

SMA/PM-PN/SAR-1/01.02.2018:3P/6c