



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.234 & 248 of 2018

1 R.MURUGAN @ MURUGESAN
2 CHANDIRA
3 M.GANAPATHY

... PETITIONERS / ACCUSED Nos.1 to 3
CRL OP(MD)No.234/18

1 GANESAN
2 SELVAM
3 VENGIDU
4 ADIMANNAN @ ABIMANNAN

... PETITIONER / A-4 to A-7
CRL OP(MD)No.248/18

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SEDAPATTY POLICE STATION,
MADURAI DISTRICT
(CR.NO. 284 OF 2017)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : Mr.A.ARUL JENIFER Advocate
IN BOTH THE PETITIONS

For Respondent : Mrs.S.BHARATHI, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

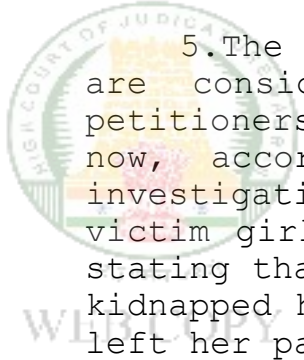
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 366 IPC in Crime No.284 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused abducted the de facto complainant's daughter. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences and pleads for grant of anticipatory bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Crl.side) submitted that the investigation is still pending.



5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence punishable under Section 366 IPC. As of now, according to the learned Government Advocate (Crl.side), investigation is not yet completed. However, today the alleged victim girl has appeared before this Court and filed an affidavit, stating that the 3rd petitioner in Crl.O.P.(MD)No.234 of 2017 has not kidnapped her at the time of alleged occurrence and she voluntarily left her paternal home and married the 3rd petitioner in the presence of her friends and neighbors. Being a major, the victim girl is entitled to marry anybody. On going through the averments made in the FIR it is alleged that the petitioners herein have kidnapped the daughter of the de facto complainant, who is the victim in this case. Therefore, the above all circumstances culminating the fact that the victim in this case, has chosen her life as per her willingness. Therefore, in order to complete the investigation, custodial interrogation is not necessary.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, 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, Peraiyur, Madurai 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 learned Judicial Magistrate No.I, Madurai daily at 10.00 a.m. for a period of one month and thereafter, 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 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



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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]**.

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sd/-
11/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
SEDAPATTY POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+2. CC to M/S.A.ARUL JENIFER Advocate SR.Nos.647, 648

JAM/19/01/2018/RR-CSL/ SAR 1 / 3P-7C

ORDER
IN
CRL OP(MD) Nos.234 & 248 of 2018
Date :11/01/2018