



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3078 of 2018

1 ANBALAGAN

2 SARAVANAKUMAR

... PETITIONERS/ACCUSED 2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SATTUR,VIRUDHUNAGAR DISTRICT.
CRIME NO.11/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.KANNIAPPAN, Advocate

For Respondent : M/S.A.ROBINSON, Government 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.2 and 3, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 366, 417 of IPC and 7, 8, 3, 4 and 5(j)(ii) of Protection of Children from Sexual Offences Act, 2012 and 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.11 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that A1 has kidnapped the victim girl, who is the daughter of the defacto complainant, aged about 17 years and married her. Hence, the defacto complainant has lodged a complaint as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is not yet completed.

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5.The submissions made by the learned counsel appearing on either side are considered. It is alleged during the time of



occurrence, the first accused in this case kidnapped the victim girl, aged about 17 years and after getting consent from the victim girl, the marriage was celebrated between them in the Thiruchendur Temple. Now, the secured girl was produced before the Magistrate concerned and 164 Statement has also been recorded and in the said Statement reveals the fact that the alleged offence was happened only after getting consent from the victim girl. Further, first accused in this case was already enlarged on bail by this Court and the petitioners herein are the parents of A1. Considering the nature of offences committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, this Court inclined to grant anticipatory bail to the petitioners.

6. 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 Fast Track Mahila Court, Virdhunagar District at Srivilliputtur, on condition that the 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., 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
27/02/2018

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



TO

1 THE JUDGE, FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.POORNACHANDRAN, Advocate SR.No.3108

ORDER

IN

CRL OP (MD) No.3078 of 2018

Date :27/02/2018

PK/CM-VR/SAR-2/07.03.2018 : 3P/5C