



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4173 of 2018

1 KODIRAJ
2 JEYAKODI
3 MOKKARAJ
4 VASANTHA

... PETITIONERS/ACCUSED
RANK NO.2 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT,
(IN CR.NO.4 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.ANBARASU Advocate

For Respondent : MR.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/A2 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 496 204, **(*)376** and 506(ii) of I.P.C., in Crime No.4 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first accused is the son of the third and fourth petitioners. The second petitioner is the sister of the third petitioner. The victim girl is none other than the daughter of A1's uncle, who is residing opposite to his house. A1 fell in love with the victim girl for the past seven years. At that time, A1 gave false promise to marry the victim girl and had sexual intercourse with her, due to which she got pregnant and at the instigation of the first accused, she aborted the pregnancy. Thereafter, he married the victim girl in a temple and subsequently, he was absconding, when she went to his house in search of him, the petitioners threatened the victim girl with dire consequences and gave a life threat to her. Hence, the case has been registered for the above said offences.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation is still pending.

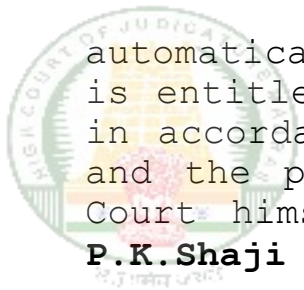
5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that before seven years from the date on which the complaint was lodged by the defacto complainant, the first accused in this case (who is not a party in this petition), after made false promise to the victim girl, committed forcible penetration. Thereby, he committed the above said offence. The 3rd and 4th petitioners are the parents of A1 and 2nd petitioner is the sister of the 3rd petitioner. Now, after committed the offence, the first accused in this case married the victim girl and hence after seven years from the date of offence, this case has been registered by the respondent police. So, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain 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, Manamadurai, Sivagangai 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the Sivagangai Town Police Station, daily at 10.00 a.m., for a period of two weeks and thereafter as and when required by the respondent police 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;

<https://hcservices.ecourts.gov.in/> On each 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 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]**.

WEB COPY

sd/-
20/03/2018

**(*)AMENDED AS PER ORDER OF THIS
HON'BLE COURT MADE IN CRL MP(MD)
NO.2180/2018 IN CRL OP(MD)NO.473/2018
DATED 20.03.2018
/ TRUE COPY /**

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

TO

- 1 THE JUDICIAL MAGISTRATE
MANAMADURAI, SIVAGANGAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.ANBARASU Advocate SR.No.4392

GJM/CM/VR/SAR-I-5/4/18-3P-7C

ORDER
IN
CRL OP(MD) No.4173 of 2018
Date :20/03/2018