



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

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.9890 of 2018
AND CRL MP(MD)NO.4650 OF 2018

1 SENTHIL @ SENTHIL KUMAR
2 NANTHU

... PETITIONERS / ACCUSED NO.2 & 3

Vs

STATE : REPRESENTED BY ITS,
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT,
IN CR NO. 126 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.A.EBENEZER Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

For Intervener : MR.T.S.MOHAMED MOHIDEEN, Advocate
IN CRL MP(MD)NO.4650/2018 IN CRL OP(MD)NO.9890/2018

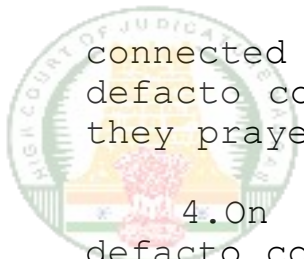
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 379, 380, 406, 506(ii), 120(B) and 34 of IPC in Crime No.126 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of prosecution is that the defacto complainant married the first accused and left India. Thereafter, the first accused developed illegal intimacy with the petitioners and helped the first accused to take away the articles and that the properties belonged to the defacto complainant and on the insistence of the first accused, the petitioners attacked the defacto complainant on 18.09.2017.

3.On the side of the petitioners, it is stated that the main accused A1 was already on bail and there is a delay of seven months in filing the FIR. The petitioners are not



connected with this case and the problem is only between the defacto complainant and his wife, who is the first accused and they prayed for anticipatory bail.

4. On the side of the intervenor, it is stated that the defacto complainant is a Christian and has married A1, who is a Muslim and that A1 belonged to Srilanka. It is further stated that in the year 2010, the first petitioner was the Jail Warden and when the first accused was in custody for an offence under the Passport Act for exchange of foreign currency and for having forged passport, they developed illegal intimacy. Only on the inducement of the petitioners, A1 has taken away all the jewels and R.C. Books of the vehicles and the documents for the properties. It is further stated that the defacto complainant is not aware of the whereabouts of his children. These petitioners attacked the defacto complainant on 18.09.2017. Hence, there is a specific overt act against the petitioners.

5. On the side of the petitioners, though it is argued that the petitioner has no connection with A1 or with her domestic problems, it is stated that the duplicate passport was given only by the defacto complainant to A1 and the first petitioner is no way connected with the women wing of the jail and the children are safe at Srilanka.

6. On the side of the prosecution, it is stated that totally three accused are involved in the case. The petitioners are A2 and A3. The first petitioner is a Jail Warden and there was a conspiracy between them and the investigation is still pending and there is no recovery and that the first bail petition was dismissed and that there is no change of circumstances. The first accused was released on bail after being in police custody for five days and that the custodial interrogation is necessary for these petitioners. If the petitioners were released on bail, they may tamper the witness and he vehemently opposed to the grant of anticipatory bail to the petitioners.

7. Records perused. Though it is alleged that the petitioners are no way connected with A1, it is represented that the defacto complainant gave the duplicate passport to A1 and that the children of the defacto complainant are safe at Srilanka. These representations denotes that there may be some connection with A1 and these petitioners. It is stated that custodial interrogation is required by the Police. Investigation is at the initial stage. Documents and articles are yet to be recovered and the whereabouts of the children are to be traced out.



8.Considering the facts and circumstances of the case and also considering the grave nature of offence committed by the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the petition is dismissed.

sd/-
10/07/2018

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

TO

1 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT

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

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.12695
+1cc to MR.T.S.MOHAMED MOHIDEEN, Advocate in SR.No.12581

GJM/JC/GSR/16.7.18-3P-5C

ORDER
IN
CRL OP(MD) No.9890 of 2018
AND CRL MP(MD)NO.4650/2018
Date :10/07/2018