



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21903 of 2018

1 MURUGAN

2 GANDHI LAKHSMI

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
(*)PALAMEDU POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO. 171 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.MUTHUSAMUNDEESWARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

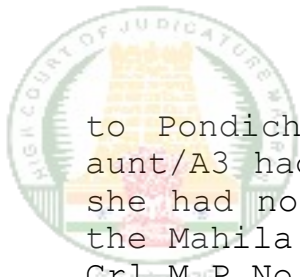
The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 366(A) of IPC and Section 5(1), 6 of Protection of Children from Sexual Offences Act, 2012 in Cr.No.171 of 2017 seek anticipatory bail.

2.The case of the prosecution is that the petitioners' son kidnapped the daughter of the defacto complainant with an intention to marry her. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners being the parents of A1 have been arrayed as accused and nothing to do with A1.

4.The learned Government Advocate (Crl. Side) submits that the petitioners and defacto complainant are close relatives.

5.Admittedly, the petitioners are parents of A1. The petitioners and defacto complainant are close relatives. The victim girl eloped with A1 on 21.08.2017 and thereafter she was secured on 25.08.2017. Statement of victim girl under Section 164 Cr.P.C was recorded by the Judicial Magistrate No.I, Madurai on 01.09.2017, wherein she had stated that she had voluntarily went along with A1



to Pondicherry and stayed there with his friend, from there, her aunt/A3 had brought her and handed over to the police. Except this she had not spoken any thing else. Therefore, considering the same, the Mahila Court, Madurai had granted anticipatory bail to the A1 in Crl.M.P.No.1864 of 2017 on 19.09.2017.

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6.Taking into consideration the facts of the case and considering the 164 statement given by the victim, this Court inclined to grant anticipatory bail to the petitioners.

7.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, Vadipatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/12/2018

**(*)AMENDED AS PER THE ORDER OF HON'BLE
COURT MADE IN CRL.M.P.No.10408/2018
IN CRL.OP(MD)21903/2018 VIDE ORDER DATED
17.12.2018 BY MNKJ**

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
PALAMEDU POLICE STATION, MADURAI DISTRICT.

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

+1. CC to Mr.V.MUTHUSAMUNDEESWARAN Advocate SR.No.23734

PS/JC/SAR-1/26.12.2018/3P/6C

ORDER

IN

CRL OP (MD) No.21903 of 2018

Date :19/12/2018