



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

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.10698 of 2018

1 AMALRAJ @ J.SHGAYA AMALRAJ

2 S.M.BENEDICT

3 BOMBAY RAJA @ AROCKIA NICHOLAS

4 SABINA ALEXANDER

... PETITIONERS/ ACCUSED NOS.6 TO 9

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

IN CRIME NO.32 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.JERIN MATHEW, Advocate

For Respondent : Mr.A.ROBINSON, Government Advocate(Crl.Side)

For Intervenor : MR.M.KANNAN, Advocate

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 offence punishable under Section 306 I.P.C., in Crime No. 32 of 2018, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, learned Government Advocate (Criminal side) for the respondent and the learned counsel for the defacto complainant.

3.The case of the prosecution is that the petitioners conducted Katta Panchayath and on account of the shaming done by the petitioners, the son of the defacto complainant, Gangadharan committed suicide on 23.06.2018.

4.The learned counsel for the petitioners submits that an allegation of child rape was made against the deceased by one Nishanthini. The petitioners herein, therefore, attempted to mediate the matter. But, the mediation did not succeed. Therefore, the petitioners had advised the victim girl to take recourse to law. Hence, Crime No.6 of 2018 was registered on the file of the All Women Police Station, Rameshwaram against the said Gangatharan for the offences punishable under Section 341 I.P.C and Section 4 of Family Nadu Protection of Child From Sexual Offences Act, 2012. Feeling ashamed by the same, he committed suicide.



5.This Court is of the view that even if the allegations made against the petitioners are assumed to be true, no purpose will be served by causing their arrest. Except first petitioner, other petitioners are working as teachers in a Government School.

6.Taking note of the facts and circumstances, custodial interrogation is not going to advance the case of the prosecution. Hence, 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 before the learned Judicial Magistrate, Rameswaram District and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 12.00 noon for a period of seven days from the date of receipt of a copy of this order. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

28/06/2018

/ TRUE COPY /

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

TO

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

+1. CC to Mr.M.JERIN MATHEW Advocate SR.No.11561
+1CC TO Mr.M.KANNAN, ADVOCATE, SR NO.11652

ORDER

IN

CRL OP (MD) No.10698 of 2018

Date :28/06/2018