



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

Tuesday, the Fourth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21345 of 2018

1 MUTHUKUMAR

2 DEVARAJAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.707/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.PANDIAN Advocate

For Respondent : Mr.M.ASOKAN 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 448, 294(b), 363 and 506 (ii) IPC in Cr.No.707 of 2018, seek anticipatory bail.

2.The first petitioner herein was in love with the daughter of the defacto complainant. The petitioners during the first week of November had approached the defacto complainant with regard to his marriage with the daughter of the defacto complainant. But the same was refused by the defacto complainant citing the family background of the petitioners. Thereafter, the petitioners are said to have threatened and kidnapped the daughter of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner and the defacto complainant were love with each other. Since the defacto complainant refused their marriage, the daughter of the defacto complainant went out of her home on her own volition. Thereafter, the first petitioner and the defacto complainant got married at the Mariamman Temple, Indira Nagar, Vellipattinam. The marriage was also registered before the



Registrar of Marriage, Vellipattinam. They have also produced the receipt of the Marriage Registration Certificate and photographs taken at the time of marriage before this Court.

4. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

5. 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 No-I, Sivagangai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 appear before the respondent police as and when required for the purpose of interrogation.

[c] the petitioners shall not tamper with the 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/-
04/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-I,
SIVAGANGAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT`.

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

+1. CC to Mr.M.PANDIAN Advocate SR.No.22656

PS/JC/SAR-3/11/12/2018/3P/6C

ORDER

IN

CRL OP(MD) No.21345 of 2018

Date :04/12/2018