



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

Monday, the Fourth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1358 of 2019

SUDALAIKANI

... PETITIONER / ACCUSED(SOLE)

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.152/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.ANANTHA MURUGAN Advocate

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

For Intervener : Mr.K.ABIYA, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 366(A) I.P.C. in Cr.No.152 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant, who is the father of the victim girl has lodged a complaint before the respondent police against the petitioner that the petitioner has induced the minor girl and thereby, promised to her to marry. Believing the sugarcoated words, the daughter of the defacto complainant has accompanied with the petitioner. Hence, the defacto complainant filed this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Both of them loved each other and immediately after attaining majority, the marriage will be solemnized between the petitioner and the daughter of the defacto complainant.

4.The learned counsel appearing for the intervenor on instructions would submit that there was a compromise between the



two families. After attaining majority, the marriage will be solemnized between the petitioner and his daughter.

5. Considering the facts and circumstances of the case and also the fact that there was a compromise between the two families, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shencottai, Tirunelveli District, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/02/2019

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



TO

1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MT.S.M.ANANTHA MURUGAN Advocate SR.No.2441

PS/JC/SAR-4/08.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.1358 of 2019

Date :04/02/2019