



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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4044 of 2019

1 KODIDURAI
2 SELVI

... PETITIONERS / ACCUSED
Nos. 2 & 3

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION
THENI DISTRICT
(CRIME NO.125 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S. K.VIDYA, Advocate for
C. ABULKALAMAZAD Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 366(A) @ 366 of IPC r/w. Section 6 of Protection of Children from Sexual Offences Act in Cr.No.125 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner's son and the defacto complainant daughter are lovers and they both loved each others and the petitioner's family went to the defaco complainant house for performing marriage, however the defacto complainant's family refused for marriage. Thereafter the defacto complainant's daughter went to the son of the petitioners and they got married in Kodaikonal Murugan Temple and stayed in Kodaikonal and had sexual intercourse. On coming to know that a case was registered they both came to the police station and the victim was sent along with her parents. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners herein are the parents and they did not



commit any offence as alleged by the prosecution and they are innocent persons.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that there are no serious allegations against the petitioners. He has also produced the 164 Cr.P.C statement before this Court.

5. Considering the facts and circumstances and considering the fact that victim and the petitioners son loved each other and also on perusal of the 164 Cr.P.C statement, this Court is inclined to grant anticipatory bail to the petitioners. 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, Uthamapalayam, 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 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30a.m until further orders

(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]**; and;

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

sd/-
25/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYM, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI

3 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION
THENI DISTRICT

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

+1. CC to MR. C. ABULKALAMAZAD Advocate SR.No.5479

ORDER

IN

CRL OP(MD) No.4044 of 2019

Date :25/03/2019

MSI/JC/SAR 3/27.03.2019/3P-6C