

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7284 of 2019

1 T.THOMSON
2 T.DHARMAR
3 T.MANI

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPARANKUNDRAM,
MADURAI CITY.
IN CRIME NO.20 OF 2018

.... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.A.AMAL JIN, 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 arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 354 and 354(A) of IPC in Crime No.20 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein along with first accused instigated the defacto complainant to commit an offence of brothel.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered.

6.The averments made in the F.I.R disclose that the first accused in this case is the father of the defacto complainant. It

is alleged that during the time of occurrence, the first accused instigated her daughter for committing an offence of brothel. Even though the said offence committed by the first accused is very serious one, it is to be noted that the defacto complainant lodged the complaint after three years from the date of occurrence. So, on considering the said situation and also on considering the relationship between the defacto complainant and the accused, I am of the opinion that custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions 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 VI, Madurai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other Identity cards issued by the Government, in proof of their address, along with the surety bonds.

ii) the petitioners shall appear before the respondent Police daily 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in the event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A I.P.C.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-

29/05/2019

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

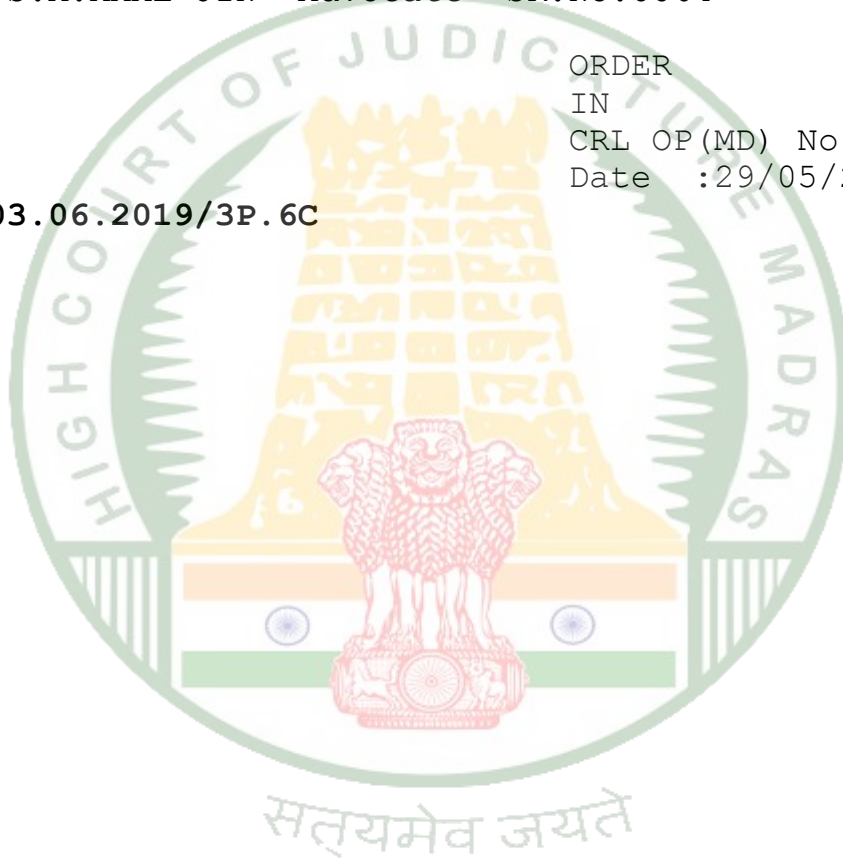
TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUPARANKUNDRAM, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.A.AMAL JIN Advocate SR.No.8864

ORDER
IN
CRL OP(MD) No.7284 of 2019
Date :29/05/2019

MS/VR/SAR-3/03.06.2019/3P.6C



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