



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8094 of 2019

Raman @ Iyyar,

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
Cr.No.128/2019.

... Respondent/Complainant

For Petitioner : M/s.M.Suresh,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 128 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 366 (A), 342, 323 of IPC and Sections 9 and 10 of the Child Marriage Restraint Act 1929, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that as per the First Information Report, the petitioner along with other accused persons instigated A-1 to tie thali on the neck of the victim girl. He further submitted that the de-facto complainant and A-1 are relatives and A-1 was already arrested and remanded to judicial custody. He further submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. Hence, he prayed for granting anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor has submitted that that there are totally 12 accused persons in this case and the de-facto complainant and A-1 are close relatives. He further submitted that all the accused persons instigated A-1 to tie Thali on the victim girl. He further submitted that A-1 was already arrested and remanded to judicial custody and the victim girl was also secured and now she is with her parents. Hence, he strongly opposed this petition as investigation is still pending.

5.Taking into consideration of the aforesaid submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 No.I, Kulithalai and 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]If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioner shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2019

/ TRUE COPY /

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



TO

1. The Judicial Magistrate No.I, Kulithalai.

2. Do-Through The Chief Judicial Magistrate,
Karur District.

3. The Inspector of Police,
Thogamalai Police Station,
Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.M.SURESH, Advocate (SR-9831[I] dated 17/06/2019)

ORDER

IN

CRL OP(MD) No.8094 of 2019

Date :17/06/2019

sji

AE/JC/SAR-IV (21.06.2019) 3P 6C