



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

Date : 01/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8283 of 2019

1. Madhavan
2. P.Vijay
3. G.Asaithambi
4. C.Muthaiah

... Petitioners/Accused Nos.1 to 4

Vs

The State Rep.by,
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
In Crime .No.77 of 2019.

... Respondent/Complainant

For Petitioners: M/s.M.Seenisulthan,
Advocate.

For Respondent : MRS.M.ANANTHADEVI,
Government Advocate(Crl.Side)

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

PRAYER :-

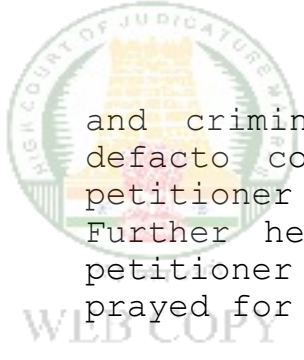
For anticipatory bail in cr.no.77 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 294 (b), 506 (ii) and 366 of IPC, in Crime No. 77 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, the defacto complainant, who is aged about 21 years, fell in love with the third petitioner. On 13.05.2019 the petitioners came to the residence of the defacto complainant and abused the defacto complainant with filthy language



and criminally intimidated her. He further submitted that, the defacto complainant, who is aged about 21 years and the third petitioner are love each other and they got marriage on 17.05.2019. Further he submitted that the defacto complainant and the third petitioner are belongs to different communities, and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant and the third petitioner are lovers and they got marriage on 17.05.2019 and he has produced the 164 statement of the defacto complainant.

5.Taking into considering the fact that in the FIR itself, the age of the victim girl is mentioned as 21 years and also the fact that the said victim girl gave a confession statement before the learned Judicial Magistrate under Section 164 Cr.P.C, she voluntarily left her parents house and married the third petitioner on 17.05.2019, this Court is inclined to grant anticipatory bail to the petitioners with certain contains.

6. 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 Court, No.II, Virudhunagar, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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.

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

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].



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

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sd/-
01/07/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8283 of 2019
Date :01/07/2019

DSS
PK/JC/SAR-1/10.07.2019 : 2P/5C