



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8607 of 2019

1.Maruthai
2.Rathinam
3.Periyakkal
4.Konnatchi
5.Vairan @ Vairavan
6.Annadurai
7.Churumbayi
8.Malliga

... Petitioners/Accused Rank
A1,A5,A10,A12,A2,A8,A11,A9

Vs

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

... Respondent/Complainant

For Petitioners : M/s.S.Jayavel,
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 petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 366 (A), 342, 323 and Sections 9 and 10 of the Child Marriage Restraint Act 1929, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted as per the First Information Report, the petitioners instigated A-7 to tie thali on the neck of the victim girl. He



further submitted that the de-facto complainant and the petitioners are relatives and A-7 was already arrested and remanded to judicial custody. He further submitted that A-4 was already granted anticipatory bail by this Court. Hence, he prayed for granting anticipatory bail to the petitioners.

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4.The learned Additional Public Prosecutor has submitted that that there are totally 12 accused persons involved in this case and the de-facto complainant and the petitioners are close relatives. He further submitted that all the accused persons instigated A-7 to tie Thali on the neck of the victim girl. He further submitted that A-7 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 allegation against the petitioners 1,2 and 5 is that they kidnapped the victim girl for the purpose of marriage with A-7, this petition is dismissed as against the petitioners 1, 2 and 5. Insofar as the other petitioners are concerned the allegation against them is that they instigated A7 to tie Thali on the neck of the victim girl. Considering the said fact and also considering the submission of the learned counsel for the petitioners, that the petitioners are relatives of the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners 3, 4 and 6 to 8 with certain conditions.

6.Accordingly, the petitioners 3, 4 and 6 to 8 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 No.I, Kulithalai and the petitioners petitioners 3, 4 and 6 to 8 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]If the petitioners 3, 4 and 6 to 8 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioners 3, 4 and 6 to 8 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 petitioners 3, 4 and 6 to 8 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 3, 4 and 6 to 8 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 petitioners 3, 4 and 6 to 8 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/06/2019

/ 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 Sub Inspector of Police,
Thogamalai Police Station,
Karur District.

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

+1 CC to M/s.S.JEYAVEL, Advocate (SR-10224[I] dated 21/06/2019)

ORDER
IN
CRL OP(MD) No.8607 of 2019
20/06/2019

sjj
TK/JC/SAR.4/28.06.2019/3P/6C