



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8076 of 2019

1.Senthil Kumar
2.Mahalakshmi

... Petitioners/Accused
No.1 and No.3

Vs

The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No.220 of 2019.

... Respondent/Complainant

For Petitioners : M/s.A.Karthikeyan,
Advocate.

For Respondent : Mrs. Anantha Devi,
Government Advocate (Crl.Side)

For Intervenor : M/s.P.T.R.Ramesh Raja

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

PRAYER :-

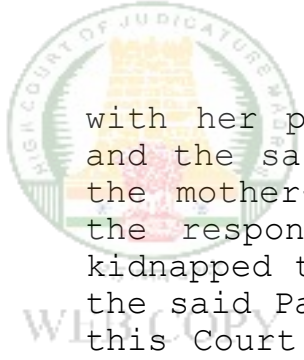
For anticipatory bail in cr.no.220 of 2019 on the file of the respondent police.

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 341,294 (b), 323,363,506(ii) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the first petitioner is the son and the second petitioner is the mother He further submitted that the first petitioner's wife namely Pavithra quarreled with the first petitioner and left the matrimonial home and now she is residing



with her parents. He further submitted that the first petitioner and the said Pavithra had two children. He further submitted that the mother-in-law of the first petitioner gave a complaint before the respondent police stating that the petitioners herein have kidnapped the said minor children. He further submitted that already the said Pavithra had filed petition in HCP(MD)No.219 of 2019 before this Court and during enquiry of the said petition the children were produced before this Court and the first child was handed over to the first petitioner and the second child was handed over to his wife. He further submitted that the matter is pending before the mediation centre and he prayed to grant anticipatory bail to the petitioners.

4. The learned counsel for the intervenor had fairly conceded that during enquiry in the aforesaid HCP, both the children were produced before this Court and the first child was handed over to the first petitioner and the second child was handed over to his wife. He also conceded that the matter is likely to be settled, hence he has no objection for granting anticipatory bail to the petitioners.

5. The learned Government Advocate(crl.Side) has also fairly conceded that the matter has been referred to mediation centre and she did not raise any serious objections for granting anticipatory bail to the petitioners.

6. Taking into consideration of the fact that the matter is likely to be settled between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[7] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Nagercoil on condition that the petitioners 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 to 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 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/>



[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].

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

sd/-
09/07/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT NAGERCOIL.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.KARTHIKEYAN Advocate SR.No.11311

ORDER
IN
CRL OP(MD) No.8076 of 2019
Date :09/07/2019

aav
TK/VR/SAR.4/22.07.2019/3P/6C