



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22457 of 2018

1.ELAVARASI

2 GOVENDASAMY

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

SINDHUPATTY POLICE STATION,

MADURAI DISTRICT.

(IN CRIME NO. 67 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.ALAGUMANI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

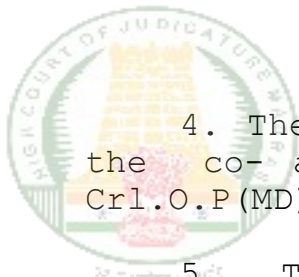
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections Women Missing @ 366(A), 417,471,420 of IPC and Section 9 and 10 of Child Marriage Act r/w.5(1),6 POSCO Act in Crime No.67 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the the petitioner herein kidnapped the daughter of the defacto complainant aged about 17 years and married her with the help of his friends. The victim girl's father has given a complaint before the respondent police and the respondent police registered a case as Women Missing and during investigation the case is altered to 366(A), 417,471,420 of IPC and Section 9 and 10 of Child Marriage Act r/w.5(1),6 POSCO Act

3.The learned counsel for the petitioner would submit both the petitioner and the victim girl loved each other and she voluntarily went the petitioner and that the petitioner is working as a representative and he is the sole bread winner of the family. The victim girl has not stated anything about the forcible sexual intercourse and hence prayed for bail to the petitioner.



4. The learned Government Advocate(Crl.Side) would submit that the co-accused in this case were granted bail by this Court in Crl.O.P(MD) No.22407 of 2018 dated 19.12.2018.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the co-accused in this case was granted bail this Court, this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thirumangalam 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2019

/ TRUE COPY /

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

TO

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

1.THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.



2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SINDHUPATTY POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.22457 of 2018
Date :03/01/2019

AE/PN/SAR1/07.01.2019/3P/5C