



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.8899 of 2020

1. S.Velmurugan
2. L.Anitha

... Petitioners/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District,
(Crime No.11/2020).

... Respondent/Complainant

For Petitioner : M/s.J.John Jayakumar,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who are arrayed as A-2 & A3, apprehending arrest at the hands of the respondent police for the offences punishable under section 366(A) of I.P.C., in Crime No.11 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are arrayed as A-2 & A-3 and they are parents of the victim girl. The allegation is that the petitioners said to have arranged marriage for the minor victim girl who is aged about 17 years with A-1. Thereafter, based on a complaint given by the sister of the victim, a case has been registered.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are parents of the victim girl and they have been falsely implicated in this case. He further submitted that as on date, the victim girl has attained major, based on a false complaint given by the relative of the victim, a case was registered. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that the statement of the victim girl was recorded under Section 164 of Cr.P.C. by the learned Judicial Magistrate, Eraniel. He further submitted that investigation revealed that, as on date, the victim girl has attained major.

6. Considering the facts and circumstances of the case and considering the fact that the petitioners are parents of the victim girl and on perusal of statement of the victim girl under Section 164 of Cr.P.C., as on date, the victim girl has attained major, and hence, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

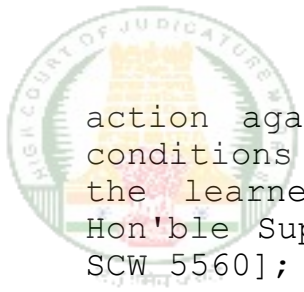
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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]; and;

WEB COPY (f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT A NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
COLACHEL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8899 of 2020
Date :25/08/2020

KSA

SRS/ AKM/ SAR-II/ 27.08.2020/ 3P/5C
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