



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

Date : 16/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.11311 of 2020

1. Loganathan
2. Ilamaran

... Petitioners/Accused Nos.3 & 4

Vs

State Rep.by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No. 275 of 2020).

... Respondent/Complainant

For Petitioners: M/s.T.Veerakumar,
Advocate.

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

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

PRAYER :-

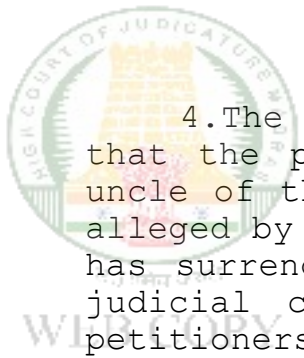
For Anticipatory Bail in Crime No.275 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused A1 & A2,
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 366 (A) and 109 of IPC, in Crime
No.275 of 2020 on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution is that the 1st accused kidnapped
the minor victim girl and committed the sexual assault on her.
Hence, the complaint.

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



4.The learned counsel appearing for the petitioners submitted that the petitioners are none other than the father and maternal uncle of the 1st accused and they have not committed any offence as alleged by the prosecution. He further submitted that the 1st accused has surrendered before the concerned Court and he was remanded to judicial custody. Hence, he prayed to anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the 1st accused kidnapped the minor victim girl and committed the sexual assault on her. She was also produced before the concerned Magistrate Court and her statement was recorded under Section 161 Cr.P.C. It is revealed therefrom that the 1st accused committed sexual assault on the victim girl and the petitioners herein helped the 1st accused by restraining the victim girl escape from the house.

6.It is seen that there are totally 4 accused. The petitioners herein are arrayed as A3 & A4, who are the father and maternal uncle of A1 and they helped the 1st accused to commit offence. Now, the 1st accused has surrendered before the concerned Magistrate Court and he was remanded to the judicial custody.

7. Considering the above facts and circumstances of the case, 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 Court No.I, Ramanathapuram, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood relative 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:

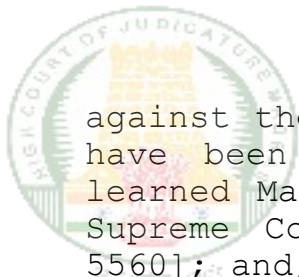
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m without fail for a period of four weeks and thereafter, 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 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;

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

sd/-

16/10/2020

/ 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 NO.I,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11311 of 2020

Date :16/10/2020

DSS

AE/AKM/SAR-II (28.10.2020) 3P 5C