



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3191 of 2021

1. K.Dhayalan
2. K.Gowsalya

... Petitioners/Accused Nos.1 to 6

Vs

The State rep.by,
The Inspector of Police,
Bodinayakanoor Town Police Station,
Theni District.
Crime.No. 50 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Malaikani S,
Advocate.

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

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

PRAYER :-

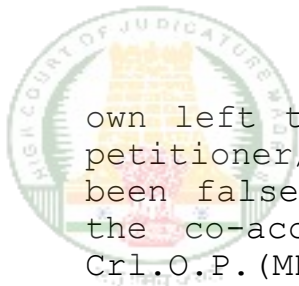
For Anticipatory Bail in Crime No.50 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 (A) r/w 109 of IPC, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein along with other accused kidnapped the daughter of the defacto complainant. Initially the case was registered under Girl Missing and after investigation the case has been altered to Section 366(A) of IPC. Hence the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant namely K.Subbulakshmi on her



own left the parental home and joined with the hands of the first petitioner/A-1. The petitioners herein are innocent and they have been falsely implicated in this case. He further submitted that the co-accused were already released on bail by this Court in Crl.O.P.(MD)No.3253 of 2021, dated 02.03.2021.

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4.The learned Government Advocate(Crl.Side) would submit that the petitioners herein along with other accused kidnapped the daughter of the defacto complainant and got married with the first petitioner/A-1. He would also submit that it is an inter caste marriage.

5.It is seen that the first petitioner and the daughter of the defacto complainant was in love and they both eloped from the home even before she attained majority. After the said Subbulakshmi attaining majority, marriage between them was held in Palani Temple and A-2 to A-5 have been arrested on the charge of kidnaping and abetment. It is an inter caste marriage and the said marriage was not accepted by the defacto complainant's family and her daughter Subbulakshmi has filed a petition before this Court in Crl.O.P(MD) No. 3212 of 2021 seeking police protection to her life, her husband and his family members and this Court by an order dated 02.03.2021 has ordered police protection.

6.Taking note of 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakannor, Theni, 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 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 learned Magistrate/ Trial Court is entitled to take appropriate action

<https://hccasesreports.dhcc/hccsites/> 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;

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

sd/-

03/03/2021

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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,
BODINAYAKANNOR, THENI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
BODINAYAKANOOR TOWN POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MALAIKANI Advocate SR.No.1732

ORDER

IN

CRL OP(MD) No.3191 of 2021

Date : 03/03/2021

NR/PN/SAR-IV(10.03.2021) 3P:6C