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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16505 of 2021

1. Subbaiah
2. Sudalaimuthu
3. Pechimuthu
4. Narayanan

... Petitioners/Accused
1 to 4

Vs

State rep.by
The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
(Crime No.440 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Thalaimutharasu.G, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.440 of 2021 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 alleged offences punishable under Sections 147, 341, 352, 427 and 366 of IPC, in Crime No.440 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant fell in love with the daughter of the petitioner's sister. On the date of occurrence, the defacto complainant tried to marry her. At that time, the petitioners intervened in the marriage and took her away from the place of occurrence. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the defacto complainant had already got married with one Nivetha. Therefore, the petitioners intervened in the marriage and took her away. Further, the petitioners are none other than the maternal uncles of the victim girl.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed.

5.Considering the nature of allegations against the petitioners, the fact that the defacto complainant already got married with another woman and that there is no specific overtact against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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, Valliyoor, on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the 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]**; and;



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

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Sd/-
27/10/2021

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/ /2021

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

ssb

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,
VALLIYOOR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.16505 of 2021
Date : 27/10/2021

SP/JM/SAR I/11/11/2021/3P/5C