



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen

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PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.122 & 123 of 2015

1 R.KALIMUTHU
2 P.RAJENDRAN
3 K.RAJASRI @ RAJI
4 S.SENTHILKUMARI

... PETITIONERS / ACCUSED NOS.2 to 5
IN CRL.OP (MD) NO.122/15

RAMKUMAR @ BOOPATHY

... PETITIONER / ACCUSED NO.1
IN CRL.OP (MD) NO.123/15

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THENKASI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.1/2015

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.M.LINGADURAI, Advocate IN CRL.OP(MD) NO.122/15

For Petitioner : M/S.F.DEEPAK, Advocate IN CRL.OP(MD) NO.123/15

For Respondent : MR.C.RAMESH, Additional Public Prosecutor
IN CRL.OP(MD) NO.122/15

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)
IN CRL.OP(MD) NO.123/15

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C., after R.D.O. Report, altered to Section 304(B) I.P.C in Crime No.1 of 2015, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the State.

3. It is the case of the prosecution that the petitioner in Crl.O.P(MD) No.123 of 2015 got married to Maheswari on 29.06.2014 and within a short time, their matrimonial life ended in failure. On



29.12.2014, Maheswari consumed poison in her parental home and committed suicide. Since the marriage was within seven years of death, R.D.O. enquiry was conducted. The R.D.O in his report, dated 27.01.2014, has stated that Maheswari was subjected to cruelty demanding dowry in connection with the marriage by her husband, who is the petitioner in CrI.O.P(MD)No.123 of 2015. It is also found that Maheswari was subjected to assault by Rajasri @ Raji, the third petitioner in CrI.O.P(MD)No.122 of 2015, who is the sister of Ramkumar.

4. The learned counsel for the petitioners brought to my notice the H.M.O.P.No.195 of 2014 filed by Maheswari before the Sub-Court, Tenkasi, seeking restitution of conjugal rights. Even in that petition, she has not implicated anyone else much less Rajasri.

5. In the petition for conjugal rights, Maheswari has stated in detail about the cruelty meted out to her by her husband and there is no allegation against other members of her husband's family.

6. It is admitted by the prosecution that Ramkumar and Maheswari were living separately and the petitioners in CrI.O.P(MD) No.122 of 2015 were not living with them. It is also stated by the learned Government Advocate(CrI. Side) that Rajasri is a married woman and has two children and living separately in Madurai.

7. In such circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners in CrI.O.P(MD)No.122 of 2015.

8. As regards the petition in CrI.O.P(MD)No.123 of 2015, in view of serious nature of allegation against the petitioner, the same stands dismissed.

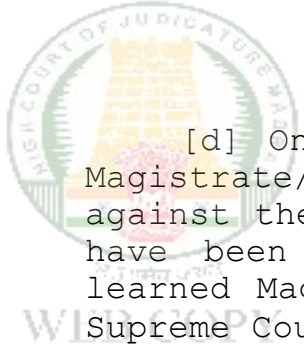
9. Accordingly, the petitioners in CrI.O.P(MD)No.122 of 2015 are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thenkasi, Tirunelveli District, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioners shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[c] the petitioners shall not abscond either during investigation or trial.



[d] 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]**.

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

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sd/-
24/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENKASI, TIRUNELVELI DISTRICT.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE, THENKASI POLICE STATION, TIRUNELVELI DT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.LINGADURAI, Advocate SR.No.8392.

ORDER IN
CRL OP(MD) Nos.122 & 123 of 2015
Date :24/02/2015

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