



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

Tuesday, the Tenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.13757 of 2014

1 P.RASBERLIN JOSE
2 D.AMIRTHAM
3 P.MERCILY
4 FREEDA

... PETITIONERS/ACCUSED RANK NOT KNOWN OF 2014

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.

CR. NO. NOT KNOWN OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.P.NARAYANA KUMAR Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.RAMAKRISHNA DASS, Advocate

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

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 Section 498A I.P.C. in Crime No. Not known of 2014 on the file of the respondent police, seek anticipatory bail.

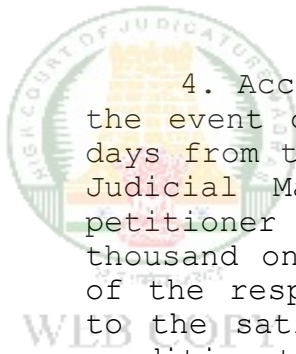
2. Heard the learned Counsel for the petitioners, the learned Government Advocate (Crl.Side) and the learned Counsel for the intervenor.

3. It is seen that earlier this matter was referred to Mediation and Conciliation centre attached to this Bench and the failure report dated 12.02.2015 has been received. Today, the respondent police is present and they have filed a status report, in which in paragraph No.3, they have stated as follows:

"3. I humbly submit that the defacto complainant and the first petitioner appeared before this respondent for enquiry. During the enquiry the defacto complainant expressed her willingness to live with the first petitioner. The first petitioner has also agreed to bring the defacto complainant with him provided the defacto complainant undergoes treatment for her ailment. Thereafter both the defacto complainant and the first petitioner returned to their houses. They never came before this respondent thereafter."

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

In view of the above, this Court is inclined to grant anticipatory bail to the petitioners.



4. Accordingly, the petitioners 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 No.I, Kuzhithurai on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each 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 appear before the respondent police as and when required for interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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) This Anticipatory Bail application will not enure to the benefit of the petitioners, if a regular case has been registered by the police and the petitioners are at liberty to approach this Court at that time.

sd/-
10/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM, KANYAKUMARI DISTRICT.
4. THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.P.NARAYANA KUMAR Advocate SR.No. 11413

+1cc to M/S.N.S.RAMAKRISHNA DASS, ADVOCATE IN SR : 11996

SR : 12.03.2015 : 2P/7C

ORDER
IN
CRL OP(MD) No.13757 of 2014
Date :10/03/2015