



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.15572 of 2014

1 SARAVANAKUMAR
2 KAMATCHI
3 THANGALAKSHMI
4 KATHIRASAN
5 RAMAKRISHNAN

..PETITIONERS/ACCUSED 1,2,4 & 3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DIST.
CR.NO.11 OF 2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAMASAMY Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

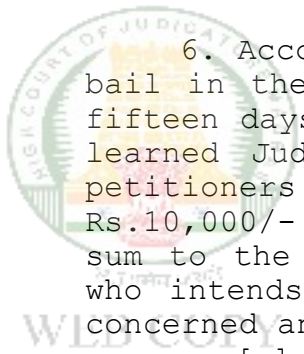
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 506 (i) of Indian Penal Code in Crime No.11 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Initially, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and failure report dated 08.01.2015 has been received.

3. The respondent police is present. It is represented by the learned Government Advocate (Criminal side), on instructions, that a regular case in Crime No.11 of 2015 for offences under Sections 498(A) and 506(i) of Indian Penal Code has been registered against the petitioners.

4. It is the case of the prosecution that Saravanakumar (first petitioner) got married to the *defacto* complainant on 08.06.2014 and within two months of marriage, the *defacto* complainant was subjected to such cruelty that she had to undergo abortion. It is alleged that Kathirasan (fourth petitioner) and Ramakrishnan (fifth petitioner) attempted to assault the *defacto* complainant, when the *defacto* complainant was in the family way. In that tension, the foetus in the womb got aborted. Thus, the allegations against the petitioners 1,4 and 5 are indeed very serious and hence, the petition seeking anticipatory bail for them is liable to be dismissed.

5. As regards Thangalakshmi (the third petitioner), she is being a lady, I am inclined to grant anticipatory bail to her. As regards Kamatchi (the second petitioner), he is the father-in-law of the *defacto* complainant. He is aged about 62 years and there are no serious allegations against him. Hence, I am inclined to grant anticipatory bail to the second petitioner also.



6. Accordingly, the petitioners 2 and 3 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.II, Virudhunagar on condition that the petitioners 2 and 3 shall execute a separate 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 2 and 3 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]**.

7. Insofar as the petitioners 1, 4 and 5 herein are concerned, the petition seeking anticipatory bail stands dismissed.

sd/-
11/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.S.RAMASAMY Advocate SR.No.6264

ORDER IN

CRL OP(MD) No.15572 of 2014

Date :11/02/2015

PBK 12/02/2015 ::2P-6C: