



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

Monday, the Second day of February Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.16041 of 2014

1 GANESH KUMAR
2 MARIAMMAL
3 PRABAKAR

... PETITIONERS/ACCUSED 1-3

T.DEEPA

... INTERVENOR

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIRENGAM,
TRICHY DISTRICT. CR. NO.15 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
For Intervenor : M/S.T.SENTHILKUMAR, 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 Sections 494, 495, 420 and 506(i) IPC in Crime No.15 of 2014 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl.Side).

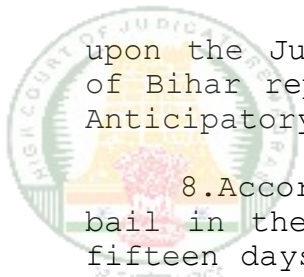
3.The case of the prosecution is that Ganesh Kumar/A-1 got married to one Sivarathinabala on 06.06.2012 and through the said marriage, he got one issue. Suppressing the said fact, he got married to one Deepa/the present defacto complainant on 20.05.2013. On coming to know the first marriage, the present complaint has been given by the said Deepa and based on which, a case in Cr.No.15 of 2014 has been registered against the petitioners.

4.The matter was initially sent to the Tamil Nadu Mediation and Conciliation Centre, attached to this Bench, by way of an order dated 28.08.2014. Since the matter has not been amicably settled, the Mediation Centre has sent the matter back to the Court.

5.The learned counsel for the intervenor very strongly objected for grant of anticipatory bail to the petitioners.

6.The learned Government Advocate (Crl.Side) submitted that the petitioners 2 and 3 are the mother and brother of the first petitioner respectively. They also know about the earlier marriage and suppressing the same, they have married the first petitioner to the defacto complainant.

7.Since the allegations against the first petitioner are very serious <https://hcservices.courts.gov.in/licservices/> not inclined to grant anticipatory bail to the first petitioner. As regards the petitioners 2 and 3, this Court finds that the allegations against them are not very serious. Therefore, relying



upon the Judgment of the Hon'ble Supreme Court in Arnesh Kumar Vs.State of Bihar reported in 2014 (8) Scale 250, this Court is inclined to grant Anticipatory Bail to the petitioners 2 and 3.

8. 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, (Mahila Court), Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 second petitioner-Mariamammal shall report before the respondent police as and when required for interrogation; the third petitioner Prabhakar shall report before the respondent police daily twice i.e at 10.00 a.m in the morning and 05.30 p.m in the evening for a period of two weeks and thereafter 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 Judicial 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 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].

9. Petition is dismissed as against first petitioner.

sd/-
02/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, (MAHILA COURT), TRICHY.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIRENGAM, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.4850

SR : 05.02.2015 : 2p/6c

ORDER
IN
CRL OP(MD) No.16041 of 2014
Date : 02/02/2015