



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.16749 of 2014

WEB COPY

1 SIVANUPANDIAN
2 SUDALAIMUTHU
3 DHURGAIAMMAL

... PETITIONERS/ACCUSED (RANK NOT KNOWN)

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHKUDI DISTRICT,
CR.NO.NOT KNOWN OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAMASAMY Advocate

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

PETITION 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 offences punishable under Sections 294(b), 323, 498-A, 506(ii) I.P.C and TNH 4 of Women Harassment Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Initially, the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and failure report, dated 04.12.2014 has been received.

3. Since no regular F.I.R was registered, this Court granted interim anticipatory bail to the petitioners with a direction to the petitioners to appear before the respondent police and co-operate for investigation.

4. Today, the respondent police have filed a status report, in which it is stated that the petitioners in compliance with the interim anticipatory bail granted by this Court, appeared and co-operated with the investigation.

5. It is also represented that the petitioners are ready and willing to hand over the articles to the defacto complainant. But, the defacto complainant is not willing to take them back, because, she wants to join the first petitioner. In this regard, divorce proceedings have been filed by the first petitioner in H.M.O.P.No.162 of 2014 before Sub-Court, Kovilpatti.

6. In such circumstances, since the petitioners are co-operating with the investigation, relying on the judgment of the Honourable Apex Court in **Arnesh Kumar vs. State of Bihar and Another** reported in (2014) 3 MLJ (Crl) (SC) 353, anticipatory bail is granted to the petitioners, but with conditions.



7. 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 Chief Judicial Magistrate No.I, Kovilpatti, 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 first petitioner shall report before the respondent police daily at 06.30 p.m., for a period of two weeks and thereafter as and when required for interrogation and the petitioners 2 and 3 petitioners shall report 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 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.

In the event of registering a regular F.I.R by the respondent police, this anticipatory bail order will enure to the benefit of the petitioners and they need not apply for anticipatory bail afresh.

sd/-

24/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI, THOOTHUKUDI DISTRICT.
2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KOVILPATTI, THOOTHUKUDI DISTRICT.
4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMASAMY Advocate SR.No.8598

ORDER

IN

CRL OP(MD) No.16749 of 2014

Date : 24/02/2015

PA/25.02.15/2P/6C