



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

Friday, the Thirtieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.17333 of 2014

1 S.JAICHELLA
2 GLADIS VIJILA KUMARI
3 S.SARVA JEYAM

... PETITIONERS / ACCUSED 1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI,
KANYAKUMARI DIST, CR.NO.13/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S. S. PALANIVELAYUTHAM 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 in Crime No.13 of 2014, on the file of the respondent police for offences under Sections 498(A), 406, 294(b) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

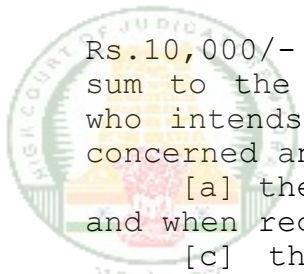
2. Earlier, this matter was referred to Mediation and Conciliation Centre and the Mediation and Conciliation Centre sent a failure report dated 29.01.2015.

3.It is the case of the prosecution that the first petitioner got married to the de-facto complainant on 03.05.2012 and at the time of marriage, the parents of the de-facto complainant had given her 50 sovereigns of gold and Rs.5 lakhs cash. The first petitioner had taken all this and had subjected her to untold cruelty. Since the allegations against the first petitioner are indeed serious, this Court is not inclined to grant anticipatory to the first petitioner.

4.It is reported that the third petitioner is dead. Accordingly, this petition is closed as regards the third petitioner.

5. Insofar as the 2nd petitioner is concerned, she is the mother of the first petitioner, and 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 2nd petitioner, but with conditions.

<https://hcservices.courts.gov.in/hcservices/>
6. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance before the learned Judicial Magistrate, No.III, Nagercoil, on executing 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 2nd petitioner shall report before the respondent police as and when required.

[c] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner 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].

sd/-

30/01/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.III,NAGERCOIL.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCAOIL.

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

4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI, KANYAKUMARI DIST.

+1cc to MR.S.RAMAKRISHNAN,ADVOCATE SR NO.4385

ORDER

IN

CRL OP(MD) No.17333 of 2014

Date :30/01/2015

rg.04.02.2015

2p.6c.