

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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.17811 & 17822 of 2014

WEB COPY

K.MUTHUMARI

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD).NO.17811/2014

GURUNATHA

... .. PETITIONER/ACCUSED NO.1
IN CRL OP(MD).NO.17822/2014

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
NAGAMALAIPUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT,
CR.NO.399/2014

... RESPONDENT/COMPLAINANT
IN BOTH CASES

For Petitioner : M/S.HALLMARK ASSOCIATES Advocate
IN BOTH CASES

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)
IN BOTH CASES

For Intervenor : MR.R.SANTHANAM, Advocate
IN BOTH CASES

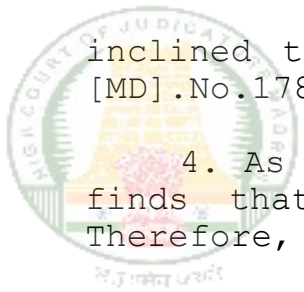
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 468 and 471 IPC, in Crime No.399 of 2014 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner - C.Gurunatha, in Crl.OP[MD].No.17822, is the husband of the petitioner - K.Muthumari, in Crl.OP[MD].No.17811. It is alleged that the said C.Gurunatha had fabricated certain documents in respect of a land, which does not belong to him and had obtained a huge amount from the *de facto* complainant. It is also alleged that yet another case is pending against the said C.Gurunatha before the Avaniyapuram Police Station.

3. Since the allegations against the petitioner - C.Gurunatha in Crl.OP[MD].No.17822 are, indeed, very serious, this Court is not



inclined to grant Anticipatory Bail to him. Accordingly, Crl.OP [MD].No.17822 filed by C.Gurunatha is dismissed.

4. As regards the petitioner in Crl.OP[MD].No.17811, this Court finds that the allegations against her are not very serious. Therefore, this Court is inclined to grant Anticipatory Bail to her.

5. Accordingly, the petitioner in Crl.OP[MD].No.17811 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.V, Madurai, on condition that 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 petitioner shall report before the respondent police as and when required for interrogation.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

27/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.V, MADURAI

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE MADURAI

3 THE INSPECTOR OF POLICE NAGAMALAIPUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT MADURAI

+1. CC to M/S.HALLMARK ASSOCIATES Advocate SR.No.3808

ORDER IN

CRL OP(MD) Nos.17811 & 17822 of 2014

Date :27/01/2015