



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

Wednesday, the Fourth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1845 of 2015

1 BOSE @ EANOSE  
2 RAJ  
3 CHELLADURAI

... PETITIONERS/ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, KUZHITHURAI,  
KANYAKUMARI DISTRICT. CRIME NO.1/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.KISHORE 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 :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(a), 406 I.P.C. in Crime No. 1 of 2015 on the file of the respondent police, seek anticipatory bail.

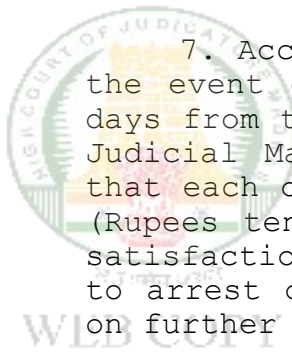
2. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side).

3. This case has been registered pursuant to the direction of this Court in Crl.O.P.(MD)NO.2047 of 2014. The first petitioner got married to the defacto complainant on 23.03.2008 and they have two children through the wedlock. It is also stated that the first petitioner is physically handicapped person and is a tailor by profession. It is further stated that according to the defacto complainant that she was subjected to the cruelty by the second petitioner and the third petitioner who are the brother and father of the first petitioner.

4. Per contra, the learned Counsel for the petitioners submitted that the defacto complainant was having an illicit intimacy with another person and to suppress the said fact, she has lodged the present complaint.

5. Admittedly, the first petitioner is a physically handicapped person and their marriage was solemnized as early as in the year 2008. On going through the complaint, I am of the opinion that it is a fit case to grant anticipatory bail to the petitioners.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.



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 Judicial Magistrate, Padmanabhapuram, Kanyakumari District, on condition that each of 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 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 Judicial 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 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].

sd/-  
04/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,  
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, KUZHITHURAI,  
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.KISHORE Advocate SR.No.5030

SR : 06.02.2015 : 2P/6C

ORDER  
IN  
CRL OP(MD) No.1845 of 2015  
Date :04/02/2015