



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.20040 of 2014

WEB COPY

1 ASIR
2 MANI
3 MANOHARAN
4 ANNA SELVAM
5 STEPHEN
6 BOSE
7 ESTER JOY

..PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs.

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

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.P.SENTHIL Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

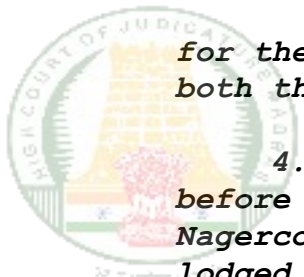
Apprehending arrest at the hands of the respondent police in Crime No.Not Known of 2014, on the file of the respondent police for offence under Sections 498(A), of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners, learned counsel for the defacto complainant and the learned Government Advocate(Crl. Side) for the State.

3. Earlier, this Court had granted interim anticipatory bail to the petitioners with a direction to the first petitioner to appear before the respondent police daily at 05.30 p.m.

4. Today, the respondent police have filed a status report. In which in paragraph Nos.3 and 4, it is stated as follows:

"3. The first petitioner not complied with the terms of the written undertaking given on 15.02.2013, the defacto complainant again gave a complaint before the Inspector of Police, All Women Police Station on 25.03.2014 and on the basis of that complaint a C.S.R was given with No.128 of 2014. The first petitioner was called for the enquiry on 27.03.2014 and at that time he gave the statement that by utilizing his wife's jewels and the cash amount of Rs.3 lakhs received from his wife's father, purchased 4 1/2 cents of land near Navalkadu, Kanyakumari District and since misunderstanding developed between them agreed to execute the property in favour of the complaint. The complainant agreed



for the same and in order to have a fair disposal of the matter, both the parties were advised for further enquiry on 31.03.2014.

4. Since the first petitioner not complied his undertakings before the Inspector of Police, All Women Police Station, Nagercoil on 15.02.2013 and 27.03.2014, the complainant again lodged a complaint before the District Superintendent of Police, Nagercoil by revealing all the details and requested for legal action against her husband and other family members, who are stated as respondents in the complaint. The complaint was forwarded to the Deputy Superintendent of Police, Nagercoil and the same was sent to the All Women Police Station, Nagercoil for necessary action. "

5. The learned counsel for the petitioners submits that both the first petitioner and the defacto complainant are divorcees and that the first petitioner had two children through the first marriage.

6. The learned Government Advocate(Crl. Side) would submit that the first petitioner has also a child through the marriage with the defacto complainant.

7. With regard to this allegation, the learned counsel for the petitioners submits that the child that was born to the defacto complainant is a test-tube baby, which has begotten even without the knowledge of the first petitioner.

8. Be that as it may, it appears that the defacto complainant has given 20 sovereigns of gold jewelry to the defacto complainant and the first petitioner has given several undertakings during enquiry that he will return the jewelry.

9. This Court had granted interim anticipatory bail to the petitioners hoping that the first petitioner will settle the matter with the defacto complainant. The Mediation Centre sent a failure report to this Court.

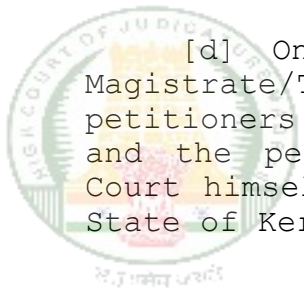
10. Taking into consideration of the serious nature of the allegation against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. As regards the petitioners 2 to 7, they are all the relatives of the first petitioner and the allegations are not very serious against them, this Court is inclined to grant anticipatory bail to them.

11. Accordingly, the petitioners 2 to 7 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 No.II, Nagercoil, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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 2 to 7 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 2 to 7 shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.courts.gov.in/hcservices> The petitioners 2 to 7 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].

sd/-
18/03/2015

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Sub-Assistant Registrar (C.S.)

TO

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

+1. CC to M/S.M.P.SENTHIL Advocate SR.No.12867
ORDER IN
CRL OP(MD) No.20040 of 2014
Date :18/03/2015

PBK 20/03/2015 ::1P-6C: