



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

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2016 of 2015

1 M.GANAPATHY
2 MANIMEGALAI
3 M.M.SAMY

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

STATE REP BY
THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, PERIYAKULAM, THENI DISTRICT.
CRIME NO.41 OF 2015 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.DHAYALAN Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)
For Intervenor : M/S.SELVENDRAN, Advocate

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.41 of 2015 on the file of the respondent police for offences under Sections 323, 506(i) of I.P.C. and Section 4 of Women Harassment Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. On 05.02.2015, this Court passed the following order:

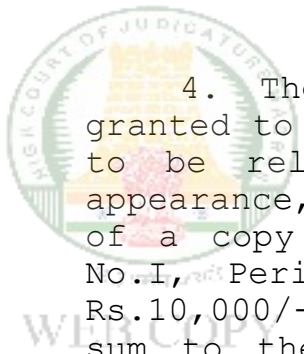
"Mr.Selvendran, learned counsel appears for the intervenor.

2. Learned Government Advocate (Crl.side) on instructions from the respondent/police submitted that the defacto complainant who is aged 78 years is the wife of the first petitioner/M.Ganapathy. The defacto complainant has got a daughter by name Sathya Bama, who is a paraplegic. Therefore, the de-facto complainant was requesting the petitioners to settle some property in the name of her handicapped daughter. Since the petitioners are not taking care of the handicapped daughter, this dispute has arisen.

3. Under such circumstances, I direct the petitioners 2 and 3 to appear before this Court on 11.02.2015.

4. Post the matter on 11.02.2015 under the caption for orders."

3. Today, all the three petitioners are present. The petitioners are giving an unequivocal undertaking that they will take complete care of Gowri Sathya Bama, who affected by polio.



4. Their undertaking is recorded and anticipatory bail is granted to the petitioners. 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 No.I, Periyakulam, 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 petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall give their thumb impression, specimen signatures and handwritings.

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

[d] the petitioners 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 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].

[f] 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.

sd/-

11/02/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.I, PERIYAKULAM

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

4.THE INSPECTOR OF POLICE

THENKARAI POLICE STATION, PERIYAKULAM, THENI DISTRICT.

+2. CCs to M/S.S.DHAYALAN Advocate SR.No.6430

RL/7 C- 16/2/2015

ORDER

IN

CRL OP(MD) No.2016 of 2015

Date :11/02/2015