



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

Wednesday, the Twenty Eighth day of October Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.20617 and 20618 of 2015

WEB COPY

MURUGESAN

... PETITIONER/ACCUSED NO.1
IN CRL.OP (MD) NO.20617/2015

1.PONNUTHAI

2.GANESAN

...PETITIONERS/ACCUSED NOS.2 AND 3
IN CRL.OP (MD) NO.20618/2015

Vs

STATE REP BY
THE INSEPECTOR OF POLICE
VANNNIYAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
(CRIME NO.173 OF 2015)

...RESPONDENT/COMPLAINANT IN BOTH THE
PETITIONS

For Petitioner : M/S R.ALAGUMANI Advocate
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)
in both the Petitions

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

ORDER : The Court Made the following order :-

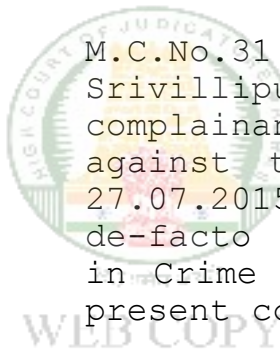
The petitioners, who are arrayed as A1 to A3, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 109, 452 and 506(ii) of I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act r/w Section 12(1) of the Protection of Children from Sexual Offences Act, in Crime No.173 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the prosecution, the first accused, who is the father of the de-facto complainant used to quarrel with her mother and abused her, suspecting her fidelity at the instigation of the second and third accused.

3.The learned counsel for the petitioners submitted that the second accused is the sister of the first accused and the third accused is the husband of the second accused and the de-facto complainant is none other than the daughter of the first accused and the matrimonial dispute between the first accused and his wife, which is pending since 2014.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel further submitted that the de-facto complainant along with her mother filed a maintenance case in



M.C.No.31 of 2014 before the Judicial Magistrate No.II, Srivilliputhur seeking maintenance of Rs.15,000/- and in the complainant, the de-facto complainant has not made any allegations against the first petitioner. It is further submitted that on 27.07.2015 the first petitioner was assaulted by the mother of the de-facto complainant for which the case was registered against her in Crime NO.125 of 2015 on 28.07.2015 and as a counter-blast, the present complaint was filed.

5.The learned Government Advocate (Crl.side) vehemently opposed the bail petition stating that the accused have misbehaved with the de-facto complainant and abused her in filthy language.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the (*) **learned Judicial Magistrate/Additional Mahila Court, Srivilliputhur** and on each of them executing 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 learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders and the petitioners No.2 and 3 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
28/10/2015

(*)As per amended the order
dated 25.11.2015 and
made MP(MD)Nos.1 & 1 of 2015
in CRL OP(MD)NOS.20617 & 20618 of 2015
by VMVJ.

/ TRUE COPY /

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

TO

To substituted order already dispatched

(*)1.Judicial Magistrate/Additional Mahila Court,
Srivilliputhur.



3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

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

5.THE INSEPECTOR OF POLICE,VANNNIYAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+2. CCs to M/S R.ALAGUMANI Advocate SR.Nos.67815 and 67816

RL/7C - 3/11/2015

ORDER

IN

CRL OP (MD) Nos.20617 and
20618 of 2015

Date :28/10/2015

RG.GSV-PM/SAR-II 27.11.2015 3P/8C