



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

Thursday, the Twelfth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.20910 of 2014

WEB COPY

- 1 R.KAMARAJ
- 2 K.ELAYARAJA
- 3 K.KARPAGAM
- 4 R.PALANISAMY
- 5 P.LATHA

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVAIYARU, THANJAVUR DISTRICT.

CRIME NO. 10 OF 2014 ... RESPONDENT/COMPLAINANT
(CRIME NUMBER IS AMENDED AS PER ORDER
OF THIS COURT DT.27.11.2014 AND MADE IN
MP.1/14)

For Petitioner : M/S. T. LENINKUMAR Advocate

For Respondent : MS.S.PRABHA 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 an alleged offence punishable under Sections 498(A), 506(i) and 109 IPC in Crime No.10 of 2014 on the file of the respondent police, seek anticipatory bail. Already this petition was dismissed as not pressed in respect of the petitioners 4 and 5 on 27.11.2014.

2.The case of the prosecution is that the second petitioner Elayaraja was in love with the defacto complainant and he eloped with her and got married. Since the said Elayaraja had gone out of his residence and his whereabouts was not known, the father of the said Elayaraja namely Kamaraj, who is the first petitioner herein filed H.C.P.No.1263 of 2014 before this Court for producing his son. On 12.11.2014 the detinue Elayaraja was produced before this Court and he has gone away with his father. He had promised earlier that he will marry the defacto complainant and had physical affair with her. Now at the instance of the first petitioner, the second petitioner Elayaraja is refusing to accept the defacto complainant. Since the allegations against the first and second petitioners are serious, this petition against them is dismissed.

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

3.As regards the third petitioner Karpagam being a lady,



who is the mother of the second petitioner Elayaraja, I am inclined to grant anticipatory bail to the third petitioner.

4. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the third petitioner. Accordingly, the third petitioner 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, Thiruvaiyaru, Thanjavur District, on condition that the third 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 third petitioner shall appear before the respondent police as and when required.

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

[c] the third 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 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]**. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioners are complying with the order or not.

sd/-

12/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU
- 2 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. T. LENINKUMAR Advocate SR.No.6660
ORDER

IN

CRL OP(MD) No.20910 of 2014

Date :12/02/2015