



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

Friday, the Twenty Seventh day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21905 of 2014

1 K. MUNIYASAMY
2 M. MANIMEGALAI

... PETITIONERS/ACCUSED NOS.2&3

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.33/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.SURESHKUMAR Advocate
For Respondent : M/S.A.P.BALASUBRAMANIAN
Govt. Advocate (Crl. Side)

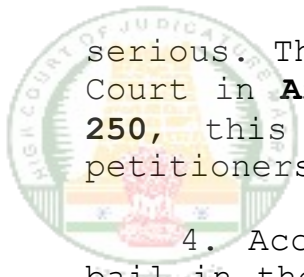
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 417, 498(A), 506(i) of Indian Penal Code and Section 4 of Women Harassment Act, in Crime No.33 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Initially the matter was referred to the Mediation and Conciliation Centre, attached to this Bench and failure report dated 10.02.2015 has been received.

3. It is the case of the prosecution that Puzhiraja (A-1) was in love with the *defacto* complainant and they got married on 19.05.2014 in a temple, without the knowledge of the in parents. A-1 and the *defacto* complainant belong to different religions. After the marriage, there appears to have been matrimonial discord between A-1 and the *defacto* complainant and they got estranged. Pursuant to the complaint lodged by the *defacto* complainant, alleging cruelty, this case came to be registered and A-1 was arrested by the police on 25.11.2014 and released on bail on 01.12.2014. These petitioners are the parents of A-1 and the allegations against them are not very



serious. Therefore, relying upon the Judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs.State of Bihar** reported in **2014 (8) Scale 250**, this Court is inclined to grant Anticipatory Bail to the petitioners herein.

4. 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, Aruppukottai, on condition that the petitioners shall execute a separate 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 appear 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 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/-

27/03/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 3.THE INSPECTOR OF POLICE
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT
 - 4.THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.SURESHKUMAR Advocate SR.No.15367
RL/6 C- 30/3/2015

ORDER

IN

CRL OP(MD) No.21905 of 2014

Date :27/03/2015