



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22295 of 2015

1 KALAIRASAN
2 CHITTU
3 KALIMMAL
4 NAGANATHAN
5 AYYAPPAN
6 PARVATHY

... PETITIONERS/ACCUSED Nos.1 to 6

Vs

1. STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

... 1ST RESPONDENT/COMPLAINANT

2 ASPANIYA BEGAM

... 2ND RESPONDENT/DEFACTO
COMPLAINANT

FOR PETITIONER : MR.J.ANANDKUMAR, ADVOCATE

FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 6, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 419, 420, 294(b) and 506(i) I.P.C. and Section 4 of Tamil Nadu Prevention of Women Harassment Act, in Crime No.550 of 2015, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the second petitioner is the wife of the first petitioner, the third petitioner is the mother-in-law of the second petitioner, the petitioners 4 and 5 are the sons of the first petitioner and the sixth petitioner is the wife of the fourth petitioner. The de-facto complainant, who is the sister-in-law of the fourth petitioner, was suffering from stomach pain and the second petitioner advised her to take treatment from her husband/first petitioner, who is the Astrologist, for her ailment. As per the advise of the second petitioner, the de-facto complainant went to the house of the first petitioner and gave a sum of Rs.75,000/-, for doing some spiritual treatment at Tiruchendur. Subsequently, the first petitioner pressurising the de-facto



complainant to marry him stating that he had sexual intercourse with her when she was unconscious and threatened her over phone and demanded a further sum of Rs.2,00,000/- from her, but, the de-facto complainant refused to pay the same and has given the complaint for the offences stated above.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Further, the de-facto complainant is the close relative of the petitioners. Due to difference of opinion, she has given the false complaint against the petitioners.

4. The learned Government Advocate (Criminal side) filed counter affidavit and stated that the first petitioner, who is the Astrologer by profession, by stating that he had divine power, falsely promised to cure the disease of stomach pain of the de-facto complainant and received a sum of Rs.75,000/- from her. Later on, the first petitioner demanded the de-facto complainant to pay a further sum of Rs.2,00,000/- and on refusal by the de-facto complainant, he threatened her with dire consequences. It is also stated that investigation is pending.

5. Considering the nature of allegations mainly against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed as against the first petitioner.

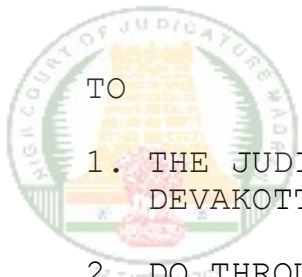
6. However, in respect of petitioners 2 to 6, this Court is inclined to grant anticipatory bail with certain conditions. Accordingly, the petitioners 2 to 6 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Devakottai, and on each 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 petitioners 2 to 6 shall report before the respondent police daily at 10.00 a.m., until further orders. The petitioners 2 to 6 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 2 to 6 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 petitions for anticipatory bail stand dismissed.

sd/-
17/12/2015

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.J.ANANDKUMAR, Advocate SR.No. 72638

ORDER
IN
CRL OP(MD) No.22295 of 2015
Date :17/12/2015

SMN2

TE/GSV-AN/SAR-I : 21/12/2015 : 3P/6C