



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

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23553 of 2014

1 A.XAVIER RAJKUMAR
2 SUGANTHI BAI
3 X.JIJUMON

... PETITIONERS / ACCUSED NO.A2 TO A4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUMARI DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

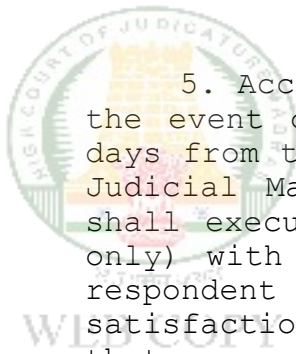
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 506 (ii) of Indian Penal Code in unknown Crime Number, on the file of the respondent police, seek anticipatory bail.

2. It is seen that the husband of the *defacto* complainant by name Sujimon is not in India as in abroad. Therefore, the police have temporarily kept the investigation under abeyance for the return of the husband of the *defacto* complainant. These petitioners are the relatives of the husband of the *defacto* complainant.

3. In Paragraph No.3 of the status report filed by the respondent, it is stated like this:

"3. I humbly submit that based on the complaint the respondent police summoned the petitioners herein for enquiry and on 21.10.2014 the petitioner herein attended the enquiry before the respondent police and during the enquiry the 1st petitioner herein stated that his son living along with his wife and in-laws only he visit our home occasionally and during the year 2012 he informed me about his employment in abroad and went to abroad and after that he did not contacted us."

4. Since the petitioners are co-operating with the police for interrogation, relying upon the Judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar** reported in **2014 (8) Scale 250**, Anticipatory Bail is granted in favour of the petitioners herein.



5. 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, Padmanabhapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (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 report 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 Judicial 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 Judicial 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/-
12/01/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,PADMANABHAPURAM.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCOIL.

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUZHITHURAI,
KANYAKUAMRI DISTRICT.

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.1454

ORDER
IN
CRL OP(MD) No.23553 of 2014
Date :12/01/2015

rg.19.01.2015 2p.6c.