



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3429 of 2015

1 KARMEGAM
2 DHANALAKSHMI
3 GOPALSAMY
4 PITCHAIMMAL
5 PANDIAMMAL
6 LAKHSMI

... PETITIONERS/ACCUSED NO.1 TO 6

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PARAMAKUDI, RAMNAD DIST,
CR.NO.8/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SENTHIL Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

For Intervenor : M.BOOPATY PANDIAN, Advocate

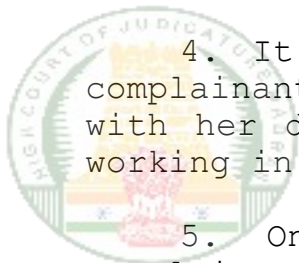
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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), 494 and 506(i) IPC in Crime No.8 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is seen that the first petitioner got married to the defacto complainant on 29.06.2012 and through her, he has begotten a female child. Thereafter, the first petitioner has entered into a divorce Muchalika with the defacto complainant on 13.02.2014 and the first petitioner and his family members performed the marriage of the first petitioner with one Dhanalakshmi (2nd petitioner herein) on



4. It is represented by the learned counsel for the defacto complainant that the defacto complainant is an unlettered lady and with her daughter, she is struggling to eke out her livelihood by working in a brick kiln.

5. On a mere perusal of the signature of the defacto complainant in the divorce Muchalika dated 13.02.2014, it is obvious that she is not an educated person and is a village peasant. Such divorce Muchalika has no legal validity. The fact that she has been made to sign itself would go to show that she has been given a raw deal.

6. Learned counsel for the petitioners submitted that the first petitioner is an orthopaedically handicapped person and in support of this plea, he produced copies of some disability certificates. After marrying the defacto complainant and getting a child through her, if the first petitioner could contract a second marriage with Dhanalakshmi / 2nd petitioner, his physical disability did not pose any hindrance. The petitioner nos.3 and 4 have performed the marriage of the first petitioner with Dhanalakshmi.

7. In view of the serious nature of allegations against Karmegam (1st petitioner), Gopalsamy (3rd petitioner) and Pitchaimmal (4th petitioner), this Court is not inclined to grant anticipatory bail to them.

8. As regards Dhanalakshmi (2nd petitioner), Pandiammal (5th petitioner) and Lakshmi (6th petitioner), the allegations are not serious and therefore, this Court is inclined to grant anticipatory bail to them. **Accordingly, the petitioners 2, 5 and 6 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, Paramakudi, on condition that each of the 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 petitioners 2, 5 and 6 shall report before the respondent police daily at 10:00a.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners 2, 5 and 6 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2, 5 and 6 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]**.



9. This petition in respect of Karmegam (1st petitioner), Gopalsamy (3rd petitioner) and Pitchaimmal (4th petitioner) is dismissed.

sd/-
19/03/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PARAMAKUDI,
RAMNAD DIST,
- 4 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.BOOPATHI PANDIAN, Advocate SR.No.13360

+1cc to M/S.D.SENTHIL Advocate SR.13317

ORDER
IN
CRL OP(MD) No.3429 of 2015
Date :19/03/2015

NA/20/03/2015/P3/7C