



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

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3430 of 2015

1 SELVARANI
2 HARIKRISHNAN

... PETITIONERS/ACCUSED NOS.2&3

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 3/2015

... RESPONDENT/ COMPLAINANT

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

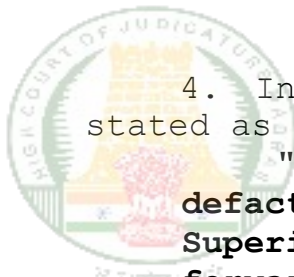
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 294(b), 494, 498(A), 506(i) IPC r/w 109 IPC in Crime No.3 of 2015, on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side) for the respondent State. The respondent police is present in Court today and a status report has been filed by Mrs.S.Kamali, Inspector of Police, All Women Police Station, Aruppukottai.

3. It is the case of the *defacto* complainant that she got married to Shanmugaraja (A-1) on 12.03.2014 and at the time of marriage, her parents had given 10 sovereigns of gold jewels, Hero Honda motorbike and Rs.50,000/- as cash, apart from household articles. After their marriage, their matrimonial life ran into rough weather. It is alleged by the *defacto* complainant that her husband Shanmugaraja (A-1) has contracted second marriage to one Kaviitha, who has been arrayed as accused No.4.



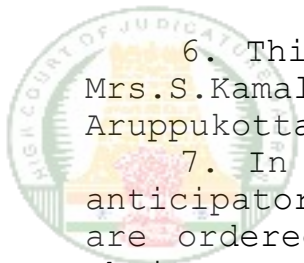
4. In paragraph Nos.3,4 and 5 of the status report, it is stated as follows:

"3. I further respectfully submit that when the defacto complainant lodged a complaint before the Superintendent of Police, Virudhunagar, the same was forwarded to All Women Police Station, Aruppukottai. I took the complaint on file and enquired the defacto complainant and her husband, the accused No.1 in this case on 05.01.2015. They both gave statement before me that there was no amicable terms between them to live together so they decided to get Mutual divorce through appropriate court. Further the defacto complainant admits that the 10 sovereigns of gold jewels presented to her at the time of marriage and 3 sovereigns of gold jewels and a Hero Honda bike presented to her husband at the time of marriage are under her custody. Further the defacto complainant agreed to accept the proposal that he would give Rs.3,00,000/- as life time maintenance to the defacto complainant on 12.01.2015. Based upon these terms the defacto complainant gave a written statement and asked to stop the further action in her above said complaint.

4. I respectfully submit that now it revealed that the accused had no source to provide Rs.3,00,000/- to the defacto complainant so he did not pay the agreed sum of money. In these circumstances the defacto complainant once again filed a petition before the Honourable Judicial Magistrate, Aruppukottai under Section Cr.P.C. 156(3). It has come out from the light of the investigation that these petitioners herein, the Accused No.2 and the accused No.3 are residing separately from the defacto complainant's matrimonial home and they both did not have frequent access to the defacto complainant. Further I submit that as the defacto complainant's husband is not having money and these petitioners are working as teachers the defacto complainant in order to get money from them instead of getting money from her husband/the accused No.1, she implicated these two petitioners name in this case.

5. I respectfully submit that from the statement of the witnesses it is revealed that the accused No.1, the husband of the defacto complainant has not solemnized second marriage with the Accused No.4, Kavitha."

5. On a reading of the status report, this Court finds that Mrs.S.Kamali, Inspector of Police, All Women Police Station, Aruppukottai has conducted a very fair investigation and has filed the status report giving the true picture of the case.



6. This Court records its appreciation, for the manner in which Mrs.S.Kamali, Inspector of Police, All Women Police Station, Aruppukottai, has handled the case.

7. In the light of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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 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 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]**.

8. Registry is directed to mark a copy of this order to the Superintendent of Police, Virudhunagar District, for placing on record, the appreciation of this Court in the Service Register of the concerned Officer.

sd/-

19/03/2015

/ 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 SUPERINTENDENT OF POLICE, VIRUDHUNAGAR DISTRICT

4.THE INSPECTOR OF POLICE

ARUPPUKOTTAI ALL WOMEN POLICE STATION, VIRUDHUNAGAR DISTRICT.

5.THE ADDL. PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.KANNAN Advocate SR.No.13864

RL/7C - 24/3/2015

ORDER

IN

CRL OP(MD) No.3430 of 2015

Date :19/03/2015