



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

Thursday, the Fifth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3810 of 2015

1 SUBBAIAH
2 CHINNAMMAL

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR, MADURAI DISTRICT.
CR.NO. 10/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.GUNASEKARAN 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 :-

Apprehending arrest at the hands of the respondent police in Crime No.10 of 2015, on the file of the respondent police for offences under Sections 498(A), 406, 494, 506(i) of the Indian Penal Code and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, the petitioners are now before this Court seeking Anticipatory Bail.

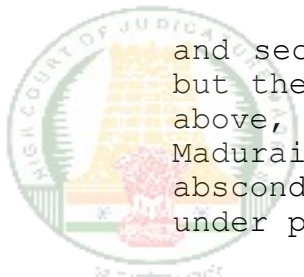
2.Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the State.

3. This is the second anticipatory bail application filed by the petitioners. The first anticipatory bail application filed by the petitioners in Crl.O.P(MD)No.1768 of 2015 was dismissed by this Court on 03.02.2015.

4. Today the respondent police have filed a status report, in which it is stated as follows:

5. I respectfully submit that immediately after registering the above case, all the accused persons have applied for grant of anticipatory bail in Crl.O.P(MD)No.1768 of 2015 and after hearing the same, the Honourable Court was pleased to grant anticipatory bail in respect of accused Nos.3 to 8 herein and dismissed the anticipatory bail petition filed in respect of first and second accused by order dated 03.02.2015.

6. In this connection, it is pertinent to mention that during preliminary enquiry, the first accused has been arrested by us on 27.02.2015 while the second accused remains absconding. Further, while the enquiry is pending, the first



and second accused have applied for grant of anticipatory bail, but the first accused was arrested by us on 27.02.2015 as stated above, and he was also granted bail by the learned FTC-2, Madurai, on 03.03.2015. Thus, only second accused remains absconding. It is needless to mention that while the enquiry is under progress, the first accused has been granted bail.

5. From the above, it is clear that the first petitioner Subbaiah was arrested by the police on 27.02.2015 and was enlarged on bail by the Fast Track Court No.II, Madurai.

6. Under such circumstances, this anticipatory bail application with regard to the first petitioner, becomes infructuous, since the first petitioner has been arrested and has been released on bail and the second petitioner being a lady, this Court is of the view that this is a fit case to grant anticipatory bail to the second petitioner.

7. Accordingly, the second petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District, on 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 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 petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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].

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioner is complying with the order or not.

sd/-
05/03/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
MELUR

2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.GUNASEKARAN Advocate SR.No.10555

Sm:10.03.2015:3P/6C:

ORDER
IN
CRL OP(MD) No.3810 of 2015
Date :05/03/2015