



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4612 of 2015

1 K.NAGARAJ
2 K. KESAVAN
3 M. MASAANI

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

THE STATE REP.BY
THE SUB- INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR,
CRIME NO.7 OF 2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.CHINNAN 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 offence punishable under Sections 498(A) 494 of I.P.C in Crime No.07 of 2015 on the file of the respondent police, seek anticipatory bail.

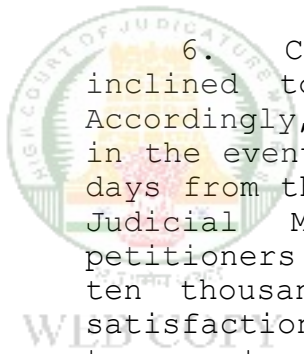
2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the State.

3. It is the case of the prosecution that the first petitioner K.Nagaraj, got married to the defacto complainant on 28.05.2007 and through the wedlock, they have two children. Thereafter, it is alleged that the first petitioner had subjected the defacto complainant to untold cruelty and that he has also married another lady by name Masaani(A-3) on 15.01.2015 and the defacto complainant and her children have been left in the lurch.

3. Taking into consideration the serious nature of the allegation against Nagaraj(A-1), this Court is not inclined to grant anticipatory bail to him and hence, this petition is dismissed in respect of Nagaraj (A1).

4. As regards, Kesavan(A-2) and Masaani(A-3), since the allegations are not very serious and especially in the light of the fact that Masaani is a lady, who is the wife of the first petitioner, this Court is inclined to grant anticipatory bail to A-2 and A-3.

5. In the above circumstances, anticipatory bail is granted to the petitioners 2 and 3 with certain conditions.



6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners 2 and 3. Accordingly, the petitioners 2 and 3 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 No.II, Virudhunagar, on condition that the petitioners 2 and 3 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 and 3 shall report before the respondent police daily at 6.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 and 3 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioners are complying with the order or not
sd/-

18/03/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,VIRUDHUNAGAR.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4.THE SUB- INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VIRUDHUNAGAR.

ORDER

IN

CRL OP(MD) No.4612 of 2015

Date :18/03/2015

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