



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5257 of 2015

WEB COPY

1 M.BALAKRISHNAN
2 B. BALAJI RAM
3 K. JEYARAMAN

..PETITIONERS/ACCUSED 1,2 & 3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
(LAW AND ORDER), ANNA NAGAR POLICE STATION,
MADURAI.
(CRIME NO.416/2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

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

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

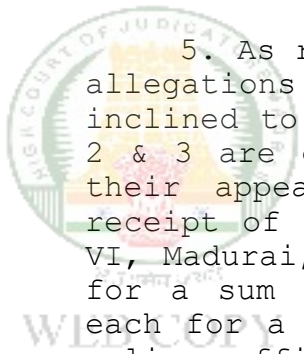
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 365 IPC, in Crime No.416 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.

3. The case of the prosecution is that the *de facto* complainant, in this case, is one Ganga, who is the sister of one M.Balakrishnan, the first petitioner herein and the first accused in Crime No.416 of 2015. The brother of the *de facto* complainant, by name, Mani, has been missing for quite some time and she suspects the involvement of the first petitioner herein in the offence.

4. The learned counsel for the petitioners submits that the *de facto* complainant - Ganga earlier filed HCP[MD].No.1400 of 2014, seeking a direction to the respondent police to produce him before this Court and set him at liberty and the same was, subsequently, withdrawn by her, on 02.12.2014. It is also brought to the notice of this Court that a Suit in O.S.No.662 of 2012 was filed before the District Munsif Court, Madurai, for declaration. The said suit is nothing to do with the said Mani, who, admittedly, is the brother of said Ganga - *de facto* complainant and M.Balakrishnan, the first petitioner herein. Under such circumstances, this Court is of the view that a thorough investigation has to be made by the police in this regard and after investigation, if it is found that the involvement of the *de facto* complainant - Ganga in the offence is found, it is open to the respondent police to make the said Ganga as an accused in the case. Taking into consideration of the above, this Court is not inclined to grant Anticipatory Bail to the first petitioner.



5. As regards the petitioners 2 & 3 herein, this Court finds that the allegations against them are not serious and hence, this Court is inclined to grant Anticipatory Bail to them. Accordingly, the petitioners 2 & 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, VI, Madurai, on condition that the petitioners 2 & 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 & 3 shall report before the respondent police daily at 06:30 in the evening for a period of four weeks and thereafter as and when required for interrogation.

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

[c] the petitioners 2 & 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 petitioners 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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]**.

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioners 2 & 3 are complying with the order or not.

This Criminal Original Petition is dismissed in respect of the first petitioner herein.

sd/-
20/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE, (LAW AND ORDER), ANNA NAGAR POLICE STATION, MADURAI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.13775

ORDER IN

CRL OP(MD) No.5257 of 2015

Date :20/03/2015

PBK 23/03/2015 ::2P-6C: