



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

Wednesday, the Twenty Fifth day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5498 of 2015

1 S.PRISILA UGIN

2 S.SUGUNA

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
TUTICOIRN DISTRICT.
CRIME NO.55/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. ANANTH C. RAJESH, 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 :-

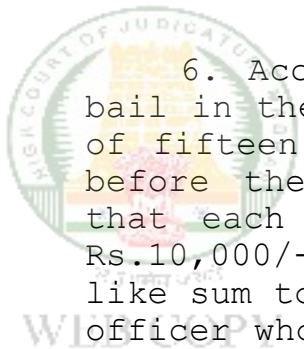
The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 447, 294(b), 506(ii) and 379 of IPC in Crime No.55 of 2015, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondents.

3. The *defacto* complainant in this case is one Subha, who is the wife of an Inspector of Police by name Radhakrishnan.

4. It is seen that the first petitioner has lodged a complaint against the said Radhakrishnan for offences under Sections 376 I.P.C and Section 4 of Women Harassment Act and for which, case in Crime No.26 of 2013 has been registered and that the case is pending trial. While so, the said Radhakrishnan has set up his wife to lodge the present complaint in order to intimidate this petitioner to turn hostile in the criminal case against her husband.

5. Taking all these facts and circumstances of the case, I am of the considered opinion that this is a fit case to grant anticipatory bail to the petitioners.



6. 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, Tiruchendur 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 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]**.

sd/-

25/03/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE, NAZARETH POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S. ANANTH C. RAJESH, Advocate SR.No.14689.

ORDER IN

CRL OP(MD) No.5498 of 2015

Date :25/03/2015

msm 26.03.2015 p2/6c