



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

Monday, the Thirtieth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.5660 of 2015

WEB COPY

1 PRIYADHARSHINI @ PRIYA
2 KARUPPAIAH @ MAIKSET KARUPPAIAH
3 VALARMATHI
4 CHANDRASEKAR
5 OTCHAMMAL
6 BRINDHA
7 INBARAJ
8 ANNAPOORNAM
9 CHITHAN

... PETITIONERS/ACCUSED Nos.1 TO 9

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NILAKOTTAI,
DINDIGUL DISTRICT.
CR. NO.4/2015.
(S)

... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.S.P.PRABHAKARAN, Advocate

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.4 of 2015, on the file of the respondent police for the offence under Sections 494, 506(i) and 109 IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioner; the learned Government Advocate (crl. side) and the learned counsel for the intervenor.

3. On 12.03.2015, this Court passed the following order:-

On the directions of the learned Judicial Magistrate, Nilakkottai, the complaint filed by the de facto complainant was forwarded to the respondent Police, under Section 156 Cr.P.C, pertaining to which the respondent Police have registered this case in Crime No.4 of 2015 for the offences under Sections 494, 506(i) and 109 of IPC.

2. The de facto complainant in this case is one Kaleeswaran, who married Priya @ Priyadharshini, some time in the year 2013 and thereafter, their matrimonial life ran into rough weather. According to Kaleeswaran, after marriage his wife lived with him short while and went for Aadi month to her parents house. Thereafter, Priya @ Priyadharshini parents were



insisting that Kaleeswaran should come and live with them in Maharashtra. In the meantime, Kaleeswaran filed HMOP No.427 of 2013 against Priya @ Priyadharsini for restitution of conjugal rights and that petition is pending on the file of Sub Court, Thirumangalam. Priya @ Priyadharshini appears to have filed DVOP proceedings against Kaleeswaran, which is pending before the learned Judicial Magistrate, Usilampatti. It is alleged by Kaleeswaran that Priya @ Priyadharsini has married second petitioner herein and now she is conceived.

3. Aggrieved by this, Kaleeswaran has filed the present complaint. If Priya @ Priyadharshini files an affidavit before this Court that she will withdraw the DVOP proceedings and she would not make any claims against Kaleeswaran, this Court can consider the granting of anticipatory bail to her.

4. For orders, post on 30.03.2015."

4. Today, the learned counsel for the petitioner has filed an affidavit sworn to by Priya in which, it is stated that the DVOP proceedings in M.C.No.4 of 2014 before the learned Judicial Magistrate No.II, Usilampatti was dismissed for non prosecution on 27.2.2015.

5. The learned counsel for the petitioner submits that the defacto complainant has to return some of her jewellery, which is being stoutly denied by the learned counsel for the defacto complainant.

6. Be that as it may, this Court take into consideration the nature of the allegation in the complaint is inclined to grant anticipatory bail to the petitioners, but with conditions.

7. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate, Nilakkottai on executing 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].

sd/-

30/03/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NILAKKOTTAI.

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

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NILAKOTTAI,
DINDIGUL DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.15854
+1. CC to M/S.S.P.PRABAKARAN, Advocate SR.No.15969

ORDER
IN
CRL OP(MD) No.5660 of 2015
Date :30/03/2015

PA/01.04.2015/3P/7C