



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

Friday, the Twenty Seventh day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.5757 of 2015

1 KITHIYON,  
2 CHELLAMUTHU,  
**3 (\*) GNANAM @ GNANAJOTHI**  
4 BERSIYAL

... PETITIONERS/ACCUSED NO.1 TO 4

Vs

THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, RAMANATHAPURAM,  
RAMANATHAPURAM DISTRICT.  
(CRIME NO.2 OF 2015).

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.K.PATTURAJA 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 :-

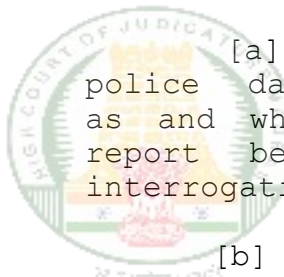
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498(A), 506(ii) of Indian Penal Code and Section 4 of TNP (Women Harassment) Act, in Crime No.2 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side) for the respondent.

3. It appears that the first petitioner got married to the *defacto* complainant on 24.08.2005 and they have two children through the wedlock. It is alleged by the *defacto* complainant that she was subjected to cruelty by the petitioners herein.

4. After going through the complaint of the *defacto* complainant, relying upon the Judgment of the Hon'ble Supreme Court in Arnesh Kumar Vs.State of Bihar reported in 2014 (8) Scale 250, this Court is inclined to grant Anticipatory Bail to the petitioners herein.

5. 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 No.I, Ramanathapuram, on condition that the petitioners shall execute 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 first petitioner alone shall appear before the respondent police daily at 06.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation. The other 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].

[e] The Inspector of Police concerned is directed to send a compliance report to the Office of the learned Government Advocate (Criminal side), whether the first petitioner is complying with the order or not.

sd/-  
27/03/2015

**(\*)Amended as per order of this Hon'ble Court  
dated 29.04.2015 and made in MP(MD)No.1/15 in  
Crl.OP(MD)No.5757/2015 and**

**Time is extended by two weeks from the date on which the order copy  
is made ready by MKKSJ.**

/ TRUE COPY /

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

TO

**To be substituted the order copy already despatched on 31/03/2015.**

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
  2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM.
  3. THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, RAMANATHAPURAM,  
RAMANATHAPURAM DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.SARAVANAN,Advocate SR.No. 23631  
SR : 30.03.2015 : 2P/6C

ORDER  
IN  
CRL OP(MD) No.5757 of 2015  
Date :27/03/2015

PA/06.05.2015/2P/6C