



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

Tuesday, the Twentieth day of January Two Thousand Fifteen
PRESENT

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

CRL OP(MD) No.729 of 2015

WEB COPY

1 B.GOWTHAM
2 S.BHUVANESWARAN
3 B.MALARVILI
4 VASUDEVAN @ SUBAVASUDEVAN
5 MURUGESWARI

... PETITIONERS/ACCUSED NO.1 TO 5

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI DISTRICT.
CR. NO.2/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.EDDY AND EMOSS LAW FIRM Advocate

For Respondent : MR.A.P.BALASUBRAMANI, 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 and 506(i) IPC in Crime No.2 of 2015 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner married the defacto complainant on 27.04.2014 and while she was on the family way, it is alleged that she was assaulted by the first petitioner.

3.It is represented by the learned Government Advocate (Crl.Side) that the investigation is pending.

4. Taking into consideration of the nature of the allegations against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed in respect of the first petitioner.

5.As regards, the petitioners 2 to 5 are concerned, they are relative of the first petitioner. Considering the facts and circumstances of the case and also relying on the judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar and others**, reported in **2014 (8) Scale 250**, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5. Accordingly, the petitioners 2 to 5 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 Additional Mahila Court, Judicial Magistrate Level, Madurai, on condition that each 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 2, 3 & 5 shall report before the respondent Police as and when required for interrogation. The 4th petitioner shall report before the respondent Police daily at 10.30 a.m. and 6.30 p.m. before the respondent Police for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 to 5 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]**.

Petition dismissed as against the first petitioner.

sd/-

20/01/2015

/ TRUE COPY /

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

TO

1 THE ADDITIONAL MAHILA COURT,
JUDICIAL MAGISTRATE LEVEL, MADURAI.

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

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THALLAKULAM,
MADURAI DISTRICT.

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

+1. CC to M/S.EDDY AND EMBOSS LAW FIRM Advocate SR.No.2597

ORDER

IN

CRL OP(MD) No.729 of 2015

Date :20/01/2015

PA/22.01.15/2P/6C