



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.772 of 2015

1 SUNDARAPPAUL  
2 PAULRAJ RATHINAMANI  
3 DHARMARAJ  
4 KUMARADHASS

... PETITIONERS / ACCUSED 1 TO 4

Vs

THE STATE REP.BY  
THE SUB INSPECTOR OF POLICE  
KARUNGAL POLICE STATION, KANYAKUMARI DT,  
CRIME NO.15/2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.KISHORE Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate ( Crl. Side)

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

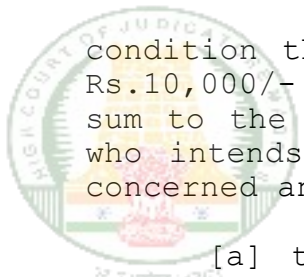
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 IPC in Crime No.15 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that the 1<sup>st</sup> petitioner was married to one Viji, who was working as Sub-Inspector of Police, on 11.09.2013. After the marriage, she conceived and delivered a female child on 19.06.2014. During the delivery, she had complications and she died. Thereafter, on 08.01.2015, the parents of the said Viji has lodged the present complaint, making allegations to the effect that these petitioners are retaining the jewellery and other articles of the said Viji.

4. Admittedly, Viji's matrimonial life has always been very smooth and she died on account of natural causes during pregnancy. It is alleged that the defacto complainant has taken away the daughter born to the 1<sup>st</sup> petitioner through Viji and is attempting to give her in adoption to some one else. In this regard, the 1<sup>st</sup> petitioner could make application before the appropriate forum. Taking into consideration the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail with or without surety, to be produced before the learned Judicial Magistrate Court, Eraniel, Kanyakumari District, on fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Eraniel, Kanyakumari District, 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/-  
20/01/2015

/ TRUE COPY/

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

TO

- 1.THE JUDICIAL MAGISTRATE,ERANIEL, KANYAKUMARI DISTRICT.
- 2.DO THRO THE CHEIF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGARCOIL.
- 3.THE ADDL. PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE SUB INSPECTOR OF POLICE  
KARUNGAL POLICE STATION, KANYAKUMARI

ORDER  
IN  
CRL OP(MD) No.772 of 2015  
Date :20/01/2015

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