



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) Nos.815 & 816 of 2015

MALAICHAMY

... PETITIONER / ACCUSED No.1 in
CRL OP(MD) No.815 of 2015

VENKATESHWARI

... PETITIONER / ACCUSED No.2 in
CRL OP(MD) No.816 of 2015

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,

RAMANATHAPURAM DISTRICT CRIME NO.16/2015 ...1ST RESPONDENT

IN BOTH PETITIONS

ARASU PANDIAN

...INTERVENOR IN CRL OP(MD) Nos.815
& 816 of 2015 in both petitions

For Petitioner : M/S.K.SEEMARAJ Advocate in CRL OP(MD) No.815 of 2015

For Petitioner : M/S. N.ANANDAKUMAR Advocate in CRL OP(MD) No.816 of 2015

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

For Intervenor : M/S. D.SENTHIL Advocate in both petitions

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

COMMON ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 466, 366, 406, 497 and 506(ii) IPC in Crime No.16 of 2015, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant married Venkateshwari (A2) in the year 2004 and they have two children through their wedlock. The defacto complainant want abroad some time in 2009 and was sending money periodically to his wife (A2). With the money sent by the defacto complainant, his wife (A2) purchased some jewels. It is alleged that she developed intimacy with Malaichamy (A1), a Police Constable. It is seen that Venkateshwari (A2) and Malaisamy (A1) eloped once during 2013 and they were brought back and even thereafter they continued their relationship and now it is alleged by the defacto complainant that his wife and A1 have gone for good, along with the jewels belonging to him.



3.The learned Government Advocate (Criminal side) submits that the investigation is pending.

4.On a conspectus of the facts and circumstances of the case, this Court is of the view that anticipatory bail cannot be granted to Malaichamy (A1) / petitioner in CrI.O.P.(MD).No.815 of 2015 as he, being a police constable should have been ought to be a role model in the society and ought to be a guardian of the Common man. On the contrary, his conduct of running away with another man's wife and also abandoning his job would disentitle him the relief of anticipatory bail. Hence, CrI.O.P. (MD).No.815 of 2015 is dismissed.

5.As regards, Venkateshwari (A2)/ Petitioner in CrI.O.P.(MD).No.816 of 2015 is concerned, she being a lady, I am of the opinion, the custodial interrogation may not be required. Hence, I am inclined to grant interim anticipatory bail to her. Accordingly, the petitioner (A2) in CrI.O.P. (MD).No.816 of 2015 is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition that 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 petitioner shall report before the respondent Police daily twice at 10.30 a.m. and 6.30 p.m. for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE, PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1. CC to M/S.K.SEEMARAJ Advocate SR.No.2315.

+1cc to Mr. N.ANANDKUMAR Advocate in SR.No. 2243

+2cc to Mr. D.SENTHIL, Advocate in SR.No. 2274, 2276

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TS/21.01.2015/2P-7C

ORDER IN
CRL OP(MD) Nos.815 & 816 of 2015
Date :20/01/2015