



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

Monday, the Eleventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.24648 of 2015

1 INDUMATHI
2 MUTHU GANESAN

... PETITIONER(S) / ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
TOWN POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
P.R.C. NO. 14 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.MUTHUKUMAR Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

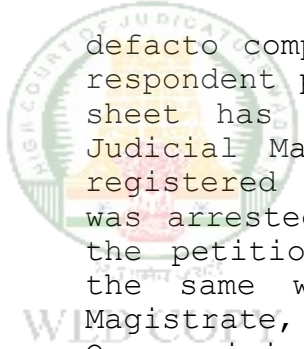
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 294(b), 341, 307 and 506(ii) of IPC, in P.R.C.No.14 of 2015, on the file of the Judicial Magistrate Court, Devakottai, and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are neighbours. The petitioners borrowed a sum of Rs.50,000/- from the defacto complainant and did not repay the same. When the same was demanded by the defacto complainant, the petitioners threatened her with dire consequences. The defacto complainant stated that she will give a complaint to police. The petitioners attacked the defacto complainant and tried to kill her. The defacto complainant's husband intervened and saved the defacto complainant. When the defacto complainant's husband gave a complaint to police, they did not register the same, but arrested him on the false case given by the petitioners. Hence, she filed the petition before the Judicial Magistrate Court, Devakottai.

3. The case of the petitioners is that on 08.03.2014, at 3.00 p.m., the defacto complainant's husband misbehaved with the first petitioner and the same was informed to the defacto complainant and she promised that such incident will not happen in future. Within two days, i.e., on 10.03.2014, the defacto complainant and her husband abused the petitioners in filthy language and threatened them with dire consequences. The petitioners already filed a complaint against the



defacto complainant regarding the immoral behaviour of her husband. The respondent police registered a case in Crime No.194 of 2014 and a charge sheet has also been filed in C.C.No.35 of 2015 before the learned Judicial Magistrate, Devakottai. Based on the complaint, a case was registered in Crime No.194 of 2014. The defacto complainant's husband was arrested. Due to that motive, a false complaint was lodged against the petitioners before the learned Judicial Magistrate, Devakottai and the same was numbered as P.R.C.No.14 of 2015 and learned Judicial Magistrate, Devakottai, issued summons to the petitioners on 26.08.2015. On receiving the summons, the petitioners have come out with the present petition.

4. The learned Government Advocate (Criminal side) submitted that it is a case and case in counter.

5. Considering the facts and circumstances of the case and also the fact that it is a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Devakottai, and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the concerned Court regularly in all future hearings without fail. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

11/01/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE ,DEVAKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,TOWN POLICE STATION,DEVAKOTTAI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S S.MUTHUKUMAR Advocate SR.No.2099
SMN2

CSL/JGB-DP/SAR-I/28.01.2016/2P/6C

ORDER

IN

CRL OP(MD) No.24648 of 2015

Date :11/01/2016