



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11070 of 2016

1 A. GANESH BABU
2 VEERAMMAL

... PETITIONERS/ACCUSED 1 & 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY.
(CRIME NO. 7 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.VINOD SATHYA LAZAR Advocate

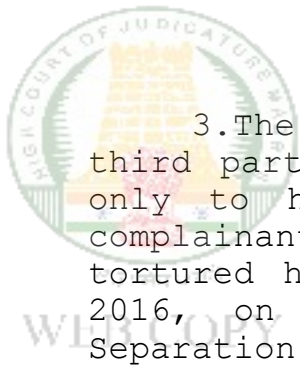
For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.7 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and the first petitioner was solemnized on 21.08.2006 and they were living together in the matrimonial home at Trichy. At the time of marriage, 25 sovereigns of gold jewels and other Sridhana Articles were given by the parents of the defacto complainant to the defacto complainant. Both were living together only for three months. Subsequently, first petitioner is having illicit intimacy with another lady by name Bojini. When the same was questioned by the defacto complainant, first petitioner neglected the defacto complainant and the same was informed to the family members of the first petitioner and all the family members abused her with filthy language and demanded jewels. On complaint, case has been registered for the above said offences.



3.The case of the petitioners is that on the ill-advise of the third party, the defacto complainant has given a false complaint, only to harass the petitioners and other accused. The defacto complainant suspected the character of the first petitioner and tortured him. Hence, the first petitioner filed H.M.O.P.No.170 of 2016, on the file of the Family Court, Trichy for Judicial Separation. On receiving notice, the defacto complainant has given a false complaint. After giving complaint, the defacto complainant left the matrimonial home and she is living with her parents. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.Heard the learned Government Advocate (Crl.Side).

5.Considering the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Tiruchirappalli, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the first petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders and the second petitioner shall report before the respondent police as and when required.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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].



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6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
05/07/2016

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL MAHILA COURT, TIRUCHIRAPPALLI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY.

+1. CC to M/S S.VINOD SATHYA LAZAR Advocate SR.No.35569

am

JM/NGM-MP/SAR-I/12.07.2016/3P-5C

ORDER
IN
CRL OP(MD) No.11070 of 2016
Date :05/07/2016