



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.12377 of 2016

1 KARUPPIAH
2 SUBBULAKSHMI
3 ANGAYARKANNI

... PETITIONERS/ACCUSED 2,3&5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
CR No.16/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.SUNDARARAJAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

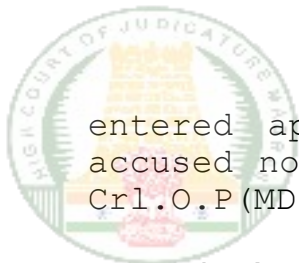
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2,3 & 5 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 494, 294(b), 448, 506(i) and 109 of IPC, in Crime No.16 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 de facto complainant and A.1 was solemnized on 23.02.2015. After the marriage, the accused persons harassed the de facto complainant demanding dowry and A.1 married A.6 as his second wife. When the same was questioned by the de facto complainant, the accused persons abused her in filthy language and threatened her with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. A.1 is in abroad. On suspicion that A.1 is living with A6, the defacto complainant has given a false complaint. A.1 already filed H.M.O.P.No.32 of 2016 on the file of the Sub Court, Virudhunagar for divorce and the de facto complainant



entered appearance through Advocate in the proceedings. The co-accused nos.6 to 8 were granted anticipatory bail by this Court in Crl.O.P(MD)No.11068 of 2016, dated 13.07.2016.

4.The learned Government Advocate (Criminal side) submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that A.1 filed H.M.O.P.No.32 of 2016 before the Sub Court, Virudhunagar for divorce and the same is pending and the co-accused were granted anticipatory bail by this Court in Crl.O.P (MD)No.11068 of 2016, dated 13.07.2016, 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 Judicial Magistrate No.II, Virudhunagar, 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 petitioners shall report before the respondent Police as and when required for interrogation.
- (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]**.

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/-
25/07/2016

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S A.SUNDARARAJAN Advocate SR.No.39633

ORDER

IN

CRL OP(MD) No.12377 of 2016

Date :25/07/2016

am

SH/ARK-PV/SAR-I:28.07.2016:3P/6C