



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

Tuesday, the Sixteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13588 of 2016

1 SELVAN,
2 PAULRAJ NADAR,

... PETITIONERS/ACCUSED NOS.1&2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUCHENDUR,
THOOTHUKUDI DISTRICT.
(CRIME NO.13 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.SATHISHKUMAR Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

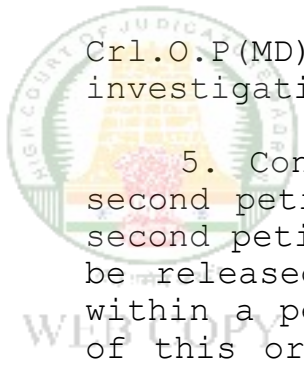
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 494,341,294(b),506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.13 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and defacto complainant was solemnized on 22.04.2010 and subsequently, the first petitioner married another lady by name Gurulakshmi and when it was questioned by the defacto complainant, she abused the defacto complainant in filthy language and criminally intimidated her. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that A1 married A4, while the first marriage is subsisting with the defacto complainant. He further submitted that the earlier petition filed by the petitioners was dismissed by this Court in



Crl.O.P(MD).No.8099 of 2016, dated 19.05.2016 and the investigation of the case is pending.

5. Considering the nature of allegations levelled against the second petitioner, I am inclined to grant anticipatory bail to the second petitioner. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam on condition that the second 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 second petitioner shall report before the respondent police daily at 10.00 am until further orders.

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

[c] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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. Considering the serious nature of allegations levelled against the first petitioner / A1, this Criminal Original Petition is dismissed.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

16/08/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, SATHANKULAM

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT

3.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, THIRUCHENDUR, THOOTHUKUDI DISTRICT.

+1. CC to M/S K.SATHISHKUMAR Advocate SR.No.44740

RL/6C/2P/AAL/MPA/SARI/23/8/2016

ORDER

IN

CRL OP(MD) No.13588 of 2016

Date :16/08/2016