



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13976 of 2016

1 FRANCIS XAVIER
2 L.KUMAR @ PANEERSELVAM ... PETITIONERS / ACCUSED NO.6 & A8

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, CANTONMENT, TRICHY DISTRICT.
CRIME NO.19 OF 2016 ... RESPONDENT / COMPLAINANT

ARPUTHAMARY ... INTERVENE PETITIONER

For Petitioner : M/S M.SIDDHARTHAN Advocate

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

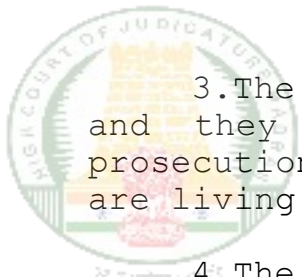
For Intervenor : MR.K.Sivabalan, Advocate

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.6 & 8, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 294(b), 323 and 506(ii) IPC, in Crime No.19 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 05.09.2005. At the time of marriage, 5 sovereigns of gold jewels, household articles worth Rs.2,50,000/-, 5 sovereigns of gold jewels to A.1 were given as dowry. The parents of the defacto complainant spent Rs.2,00,000/- for the marriage expenses. Out of the said wedlock, a male and a female children were born to them. While so, A.1 had illicit intimacy with A.2 and due to the said illegal intimacy, A.1 tortured her and thrown out her from the matrimonial home. When the same was questioned by the defacto complainant, all the other accused advised her to adjust the same and when the same was refused by her, they made life threat to her. On 20.06.2016, at 07.00 p.m., A.1 brought A.2 to his house and both of them attacked her with hands. Thereafter, the other accused induced A.1 to pour kerosene on her and set fire. On complaint case has been registered for the above said offences.



3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners are the relatives of A.1 and they are living away from the defacto complainant.

4.The learned counsel for the petitioners submitted that the entire allegation is made only against A.1 and A.1 was already arrested and enlarged on bail.

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

6.Considering the facts and circumstances of the case and also considering the fact that A.1 was already arrested and enlarged on bail, 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, Mahizha Court, Trichy, 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 daily at 10.00 a.m. until further orders.
- (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]**.

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 petitioners are complying with the conditions or not.

sd/-
19/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MAHIZHA COURT, TRICHY

2 -DO-THROTHE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT

3 THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, CANTONMENT, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.SIDDHARTHAN Advocate SR.No.45958

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ORDER

IN

CRL OP(MD) No.13976 of 2016

Date :19/08/2016