



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

Thursday, the Eleventh day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.14189 of 2016

1 A.LINCY RAJ
2 A.JULIET
3 A.SELVA PENINA

... PETITIONERS/ACCUSED 1 to 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.18 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.M.A.JINNAH 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 to 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 498(A) IPC, in Crime No.18 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant, who is a divorcee, is working as a teacher in Mumbai. The marriage between the de facto complainant and A.1 was solemnized on 18.06.2016. The petitioners 2 and 3 did not attend the marriage. After the marriage, the first petitioner and de facto complainant were living together. At that time, the first petitioner asked the de facto complainant to give her gold jewels weighing 7 sovereigns so as to meet the medical expenses of his mother and she also gave the same to him. Thereafter, he left the matrimonial home. At the instigation of the petitioners 2 and 3, the first petitioner harassed her mentally and cruelly. On complaint, a 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. There was no marriage tookplace as alleged by the prosecution. The father of the first petitioner was brutally murdered by one Settikulam Raj in the year 2010 and the said case was pending before the Sessions Court, Tirunelveli and the petitioners 1 and 2 herein are witnesses to the said case and in order to prevent them to depose evidence before the Court, at the instigation of the said Settikulam Raj, the respondent police foisted a false case against the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal side) submitted



that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5.Considering the facts and circumstances of the case and also considering nature of allegation made against the petitioners, 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.III, Tirunelveli, 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].

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/-
11/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S S.M.A.JINNAH Advocate SR.No.44651.

ORDER IN
CRL OP(MD) No.14189 of 2016
Date : 11/08/2016