



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.14477 of 2016

1 SANTHANA KUMAR
2 ESAKKIMUTHU

... PETITIONERS / ACCUSED No.2 & 3

Vs

THE INSPECTOR OF POLICE
KADAMBUR ALL WOMEN POLICE STATION
KADAMBUR, TUTICORIN DISTRICT
CR.NO.5 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : R.SADAGOPAN RENGASAMY 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 :-

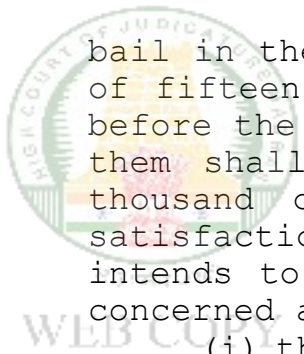
The petitioners, who are arrayed as Accused Nos.2 & 3, apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 and 109 IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.5 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and one Murugan/A1 was arranged by the elders of both family members and betrothal function was also conducted on 02.06.2016. After that, the defacto complainant came to know that A1 already married one Esakirani and the said marriage was also registered. The petitioners are the witnesses to the said marriage. On complaint, a case has been registered for the above said offences.

3. It is submitted by the learned counsel for the petitioners that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners submitted that they did not know about the betrothal function between the defacto complainant and A1. The petitioners were simply put their signatures as witnesses in the marriage registration certificate of A1 and one Esakirani. The petitioners are no way connected in this case and prayed for anticipatory bail.

4.Heard the learned Government Advocate (Criminal side).

5.Considering the facts and circumstances 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 Judicial Magistrate No.I, Kovilpatti, and each of them 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]**.

5.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.I, KOVILPATTI
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN
- 3 THE INSPECTOR OF POLICE
KADAMBUR ALL WOMEN POLICE STATION
KADAMBUR, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to R.SADAGOPAN RENGASAMY Advocate SR.No.43796

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ORDER

IN

CRL OP(MD) No.14477 of 2016

Date :11/08/2016