



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

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

WEB COPY

CRL OP(MD) No.14698, 14341 AND 14413 of 2016

1 PITCHANDI,
2 MALLIKA
3 NAMBIRAJAN
4 SHANTHI @ NAGALAKSHMI ... PETITIONERS/ RANK NOT KNOWN
IN CRL OP(MD)NO.14698/2016

SENTHIL NATHAN ... PETITIONER/ 1ST ACCUSED
IN CRL OP(MD)NO.14341/2016

1 KASILINGAM
2 PADMATHI
3 KRISHNAVENI ... PETITIONERS/ RANK NOT KNOWN
IN CRL OP(MD)NO.14413/2016

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT
CRIME NO. 31 OF 2015 ... RESPONDENT/ COMPLAINANT
IN ALL THE CASES

For Petitioner : M/S S.KRISHNAN Advocate, IN ALL THE CASES

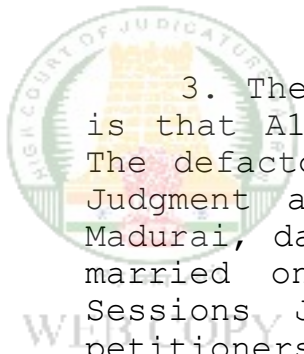
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)
IN ALL THE CASES

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 498(A), 406, 494 of IPC and Section 4 of Dowry Prohibition Act, in Crime No.31 of 2015, seek anticipatory bail.

2. The case of the prosecution is that while marriage between the defacto complainant and A1 / Senthilnathan, petitioner in Crl.O.P(MD).No.14341 of 2016 was subsisting, he married again on 08.04.2015. On complaint, a case has been registered against the petitioners.



3. The case of the petitioners in Crl.O.P(MD).No.14698 of 2016 is that A1 / Senthilnathan filed HMOP.No.102 of 2013 for divorce. The defacto complainant did not appear and therefore, the ex parte Judgment and Decree passed by the learned Judge, Family Court, Madurai, dated 20.06.2014. According to the defacto complainant, A1 married one Krishnaveni on 08.04.2015. The learned Principal Sessions Judge, Thirunelveli granted anticipatory bail to the petitioners in Crl.M.P.Nos.5240 and 5241 of 2015, dated 11.01.2016. Due to the illness of the first petitioner in Crl.O.P(MD).No.14698 of 2016, they did not execute the surety and the petition in Crl.M.P.No.2971 and 2972 of 2016 filed for extension of time was dismissed by the Sessions Court on 16.07.2016. Thereafter the petitioners filed Crl.O.P(MD).Nos.12676, 12724 and 12700 of 2016 before this Court and the same have been dismissed on 27.07.2016 on the ground that to approach the learned Principal Sessions Judge, Thirunelveli to get appropriate remedy. Therefore, the petitioners filed the 2nd anticipatory bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioners did not execute the surety due to which the defacto complainant filed petition for cancellation of anticipatory bail and the same is pending.

5. Considering the fact that the A1 filed HMOP.No.102 of 2013 and get decree of ex parte divorce on 20.06.2014 and married again on 08.04.2015, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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 District Munsif Cum Judicial Magistrate, Cheranmahadevi, Thirunelveli District 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent Police as and when required for interrogation.

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

[c] the petitioners 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 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 condition or not.

sd/-
17/08/2016

/ TRUE COPY /

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

TRP
TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
CHERANMAHADEVI, THIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S S.KRISHNAN Advocate SR.No.45488

GJM/SS2/SAR-3-24.8.16-3P-6C

ORDER
IN
CRL OP (MD) No.14698, 14341
AND 14413 of 2016
Date :17/08/2016