



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

Friday, the Second day of December Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22783 of 2016

1 NATCHIAPPAN

2 MEENAL

... PETITIONERS/ACCUSED NO.2 & 3

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,

THILAGARTHIDAL,

MADURAI DISTRICT

CRIME NO.22 OF 2016

... 1ST RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.R.SWAMINATHAN, for

MR.T.ANTONY ARUL RAJ Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498(A), 294(b), 506(i), 406, 420 IPC in Crime No.22 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the de facto complainant is the daughter-in-law of the petitioners. The petitioners' son and the de facto complainant are husband and wife. After marriage the petitioners' son went to USA leaving the de facto complainant with the petitioners. Due to illicit intimacy with the one Suresh, who was working as a Driver under the petitioners, a dispute arose between the petitioners and the de facto complainant. When the same was questioned by the petitioners, the de facto complainant preferred the present complaint.

4.It is submitted by the learned counsel for the petitioners that the de facto complainant herself mentioned his husband name as Suresh in a Bank viz., TMB Bank and also in an application for registration of a motor vehicle. Further, the de facto complainant left the matrimonial home along with her two children and now she is living with the said Suresh and a guardian original petition in G.W.O.P.No.2 of 2013 is pending before the Family Court, Madurai. He also submitted that the petitioners are innocent persons and they have not committed any offence and prays for anticipatory bail in favour of the petitioners.



5.The learned Government Advocate (Crl.side) submitted that investigation is almost completed.

6.Considering the facts and circumstances of the case and also taking note of the gravity of offence said to have been committed by the petitioners, I am 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that 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 report before the respondent Police daily at 10:30 am for a period of one week and thereafter as and when required.

[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]**.

sd/-

02/12/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,THILAGARTHIDAL, MADURAI DISTRICT.

CSL/SKS-RR/SAR-II/19.12.2016: 2P/5C

ORDER

IN

CRL OP(MD) No.22783 of 2016

Date :02/12/2016