



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

Monday, the Fourteenth day of March Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3558 of 2016

WEB COPY

1 R. SUBRAMANI IYYER
2 R. PARVATHI
3 A. BRINDHA
4 AYYAPPAN
5 S. GOMATHI

... PETITIONER/ ACCUSED NO.1
... PETITIONER/ ACCUSED NO.2
... PETITIONER/ ACCUSED NO.3
... PETITIONER/ ACCUSED NO.4
... PETITIONER/ ACCUSED NO.5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUCHENDUR,
TUTICORIN DISTRICT,
CR NO.06/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.JEGADEESHA PANDIAN, Advocate

For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

For Intervenor : V. Muthu Kamatchi, Advocate.

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 offences punishable under Sections 294(b), 406, 498(A), 494 and 506 I.P.C. and Section 4 of TNPHW Act in Crime No.6 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate(Crl.Side) appearing for the State.

3. It is seen that the first petitioner got married to the defacto complainant in the year 1998 and has been living with her. Now the first petitioner is repudiating their marriage. It is alleged by the defacto complainant that she had executed a settlement deed of her property in the name of the first petitioner R.Subramani Iyyer, since he wanted the property to do some business.

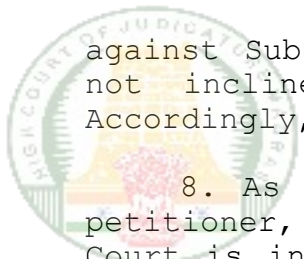
4. The learned Counsel appearing for the petitioners submitted that Subramani Iyyer had not married the defacto complainant at all.

5. The learned Counsel for the intervenor has strongly opposed for granting anticipatory bail to the petitioners.

6. The concerned Inspector of Police is present. This Court perused the case diary. It is seen that the defacto complainant has executed a settlement deed registered as document number 1828/2008 in favour of Subramani Iyyer, wherein she has clearly stated that she is settling the ~~services of her husband Subramani Iyyer.~~

<https://hccourtservices.gov.in/liservices>

7. Taking into consideration the serious nature of allegations



against Subramani Iyer - first petitioner in the F.I.R., this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed as against the first petitioner.

8. As regards the other petitioners who are relatives of the first petitioner, taking into consideration the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5. Accordingly, the petitioners 2 to 5 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, Thiruchendur on condition that each of the petitioner 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 fourth petitioner shall appear before the respondent police daily at 06.30 p.m. until further orders and petitioners 2, 3 and 5 shall appear before the respondent police as and when required for interrogation;

[b] the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 2 to 5 shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 released on bail by the learned Judicial 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].

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the fourth petitioner is complying with the order or not.

sd/-
14/03/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUCHENDUR, TUTICORIN DISTRICT,

+1. CC to M/S M.JEGADEESH PANDIYAN, Advocate SR.No.14256.

+1CC to M/S. NIRANJAN S.KUMAR, Advocate, SR.No. 14203.

ORDER
IN
CRL OP(MD) No.3558 of 2016
Date :14/03/2016