



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

Thursday, the Tenth day of March Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3890 of 2016

WEB COPY

1 G.PITCHAIMUTHU
2 G. SEETHALAKSHMI
3 R.MAHALAKSHMI

... PETITIONERS/ACCUSED NO.1 to 3
Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVERAMBUR, TRICHY DISTRICT,
CR NO.2 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S AN.RAMANATHAN Advocate

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

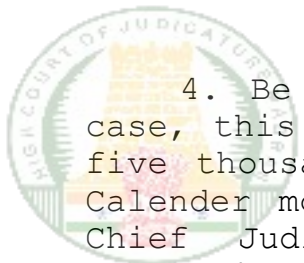
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.02 of 2016, on the file of the respondent police for offences under Sections 498(A), 294(b) and 406 IPC r/w Section 4 of TNPHW Act, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3.It is seen that Pitchaimuthu/A1 got married to the de-facto complainant on 17.01.2010 and they have one girl child through the wedlock. Their marriage ran into rough weather resulting in the de-facto complainant lodging a complaint. Based on which, a case in Crime No.02 of 2016 under Sections 498(A), 294(b) and 406 IPC r/w Section 4 of TNPHW Act has been registered against the petitioners herein. When the anticipatory bail petition came up for hearing, this Court was of the view that it will serve the interest of justice, if Pitchaimuthu/A1 makes some monthly maintenance to his child. The learned counsel for Pitchaimuthu fairly conceded and took time to get instructions from his client. Today, when the matter was called, the learned counsel for Pitchaimuthu submitted that the de-facto complainant had filed a maintenance case in MC No.83 of 2014 before the Judicial Magistrate, Trichy under Section 125 Cr.P.C. The learned Judicial Magistrate by order dated 31.12.2015 has ordered monthly maintenance of Rs.10,000/- for the de-facto complainant and Rs.5,000/- for the daughter. Against which, Pitchaimuthu has preferred a criminal revision before the District and Sessions Court, Trichy.



4. Be that as it may, without going into the merits of that case, this Court directs Pitchaimuthu to deposit Rs.5,000/- (Rupees five thousand only) as maintenance before the 5th of every English Calendar month to the credit of M.C.No.83/2014 on the file of the Chief Judicial Magistrate, Trichy, without prejudice to his contention before the Sessions Court in criminal revision case. At the time of fixing the maintenance in the criminal revision case, the District and Sessions Court, may take into consideration the sum of Rs.5,000/- that has been ordered by this Court, provided, the petitioner Pitchaimuthu has deposited the same further, without fail. The amount should be deposited every month till the disposal of the Criminal revision case filed by Pitchaimuthu before the Session Court.

5. Taking into consideration the nature of the allegation against these petitioners and relying upon the Judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar** reported in **2014 (8) Scale 250**, this Court is of the view that it is a fit case for grant of anticipatory bail. Accordingly, anticipatory bail is granted, but with conditions.

6. 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 Judicial Magistrate, No.VI, Trichy, on executing a separate 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 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[e] It is made clear that the sureties should be accepted on the 1st petitioner/Pitchaimuthu deposits Rs.5,000/- before the trial Court in M.C.No.83 of 2014.

sd/-

10/03/2016

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO. VI, TRICHY
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUVERAMBUR, TRICHY DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S AN.RAMANATHAN Advocate SR.No.13631

ORDER

IN

CRL OP(MD) No.3890 of 2016

Date :10/03/2016

AA/SKS-RR/SAR-I/15.03.2016/3p-6c