



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

Thursday, the Thirty First day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5083 of 2016

1 MUTHURAMU
2 KULANTHAIVELU
3 VALLIAMMAL
4 SELVI
5 MUTHURAMAN

... PETITIONERS / ACCUSED Nos.1 to 5

Vs

State represented by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KAMUDHI, RAMANATHAPURAM DISTRICT.
(CRIME NO. 3 OF 2016)

... RESPONDENT / COMPLAINANT

PARAMESHWARI

... INTERVENOR

For Petitioner : M/S R.BABU JAGANATH Advocate

For Respondent : Mr.A.P.BALASUBRAMANI Govt. Advocate (CrI. Side)

For Intervenor : Mr.S.Siva Prakash, Advocate

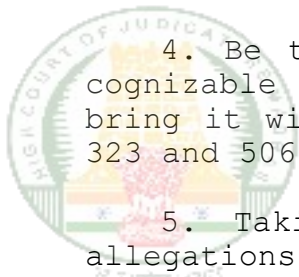
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 323, 494, 506 (i) I.P.C., in Crime No.3 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.R.Babu Jaganath, learned counsel appearing for the petitioners / accused 1 to 5, Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State and Mr.S.Sivaprakash, learned counsel appearing for the intervenor, who strongly objected to grant anticipatory bail to the petitioners / accused 1 to 5.

3. On reading of the F.I.R., it is seen that the first petitioner / first accused, who is aged about 49 years, is a Principal of an Engineering College and the de facto complainant, who is aged about 48 years, is a Medical Practitioner. The first petitioner / first accused got married to the de facto complainant during 1997 and they are having grown up children through the wedlock. The first petitioner / first accused and the de facto complainant got estranged since 2003. Now, it is alleged by the de facto complainant that on 11.03.2016, the first petitioner / first accused got married to some other girl whose name and



4. Be that as it may, offence, under Section 494 I.P.C., is a non-cognizable and bailable offence. However, it is seen that in order to bring it within the fold of Section 154 Cr.P.C., offences under Sections 323 and 506(i) I.P.C., have been added.

5. Taking into consideration the above facts and the nature of allegations made against the petitioners / accused 1 to 5, this Court is of the view that this is a fit case to grant anticipatory bail to them. 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, Kamudhi, Ramanathapuram District, on condition that each of the petitioners / accused 1 to 5 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 1, 2 and 5 / accused 1, 2 and 5 shall report before the respondent Police daily at 06.30 p.m., until further orders and the petitioners 3 and 4 / accused 3 and 4 shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners / accused 1 to 5 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners / accused 1 to 5 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 / accused 1 to 5 in accordance with law as if the conditions have been imposed and the petitioners / accused 1 to 5 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 conditions or not.

sd/-
31/03/2016

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

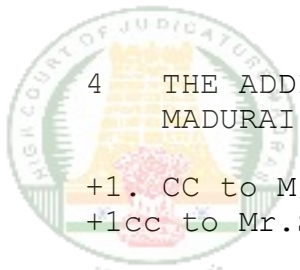
TO

1 THE JUDICIAL MAGISTRATE, KAMUDHI, RAMANATHAPURAM DISTRICT

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE

ACCOUNTS SECTION, POLICE STATION,
KAMUDHI, RAMANATHAPURAM DISTRICT.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.BABU JAGANATH Advocate SR.No.18165
+1cc to Mr.S.Sivaprakash, Advocate SR.No.18264

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ORDER
IN
CRL OP(MD) No.5083 of 2016
Date :31/03/2016