

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

Monday, the Fourteenth day of November Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21259 of 2016

P.SUBRAMANIAN

... PETITIONER/ACCUSED No.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT
(Cr.No.516/2016)

.... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUURGESANPANDIAN Advocate
For Respondent : Mrs.S.PRABHA, Government Advocate, (Crl.side)
For Intervenor : Mr.S.M.MOHAN GANDI, Advocate

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

ORDER : The Court Made the following order :-

"Moral values help in improving behaviour, instilling respect and enhancing relationships with others. Knowing what is right or wrong is an important element in life that shapes the character on an individual irrespective of gender. Good moral values allow a person to make the right decisions and improve their interactions with other people."

Here is the case, where pursuant to the illegal relationship maintained by the wife of the defacto complainant with the petitioner, the whole family got shattered and the children have become more sufferers.

2. Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 366 and 366A IPC in Crime No.516 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail, owing to the complaint lodged by one Singaraj, who is none other than the father of the missing lady along with her children.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

4. The case of the prosecution is that the petitioner along with other accused is alleged to have kidnapped the daughter of the defacto complainant along with his grandchildren.

5. Learned counsel for the petitioner submitted that the husband of the missing woman filed HCP(MD) No.716 of 2016 for production of his wife and children, which was disposed of by this Court stating that his wife voluntarily went with the petitioner along with her children and therefore, the provisions of Sections 366 and 366(A) IPC will not be attracted.

6. The daughter of the defacto complainant is present before this Court along with her children; that her husband also caused his appearance. On enquiry with the said lady, she stated that she has gone with the petitioner along with her children on her own accord and she has not been abducted by anyone. When this case was taken up for hearing on 11.11.2016, she shamelessly stated that she would like to continue her relationship with the petitioner.

7. There was a comedy scene in the Tamil movie "Rojakkottam", wherein the comedian would arrange for marriage of a married woman, who eloped with the husband of another lady, assuming that they are lovers on the street itself and this Court cannot play such role and therefore, this Court directed the Police to bring the children of the Intervenor to this Court so as to hand over their custody to him, as it would not be in the interest of the children to remain with the mother and the petitioner knowing about the illegal intimacy between them and that there is a possibility of inducing them to grow in the spoiled atmosphere to become a spoiled child and posted the matter to today. The father / defacto complainant of the married woman repented for the act of his daughter, who has chosen to live with a third person / petitioner herein and wanted his grandchildren to join his son-in-law.

8. Today, all the parties are present along with their respective counsel and the daughter of the defacto complainant / wife of the intervenor stated that she is prepared and ready to go with her husband. Though the petitioner was present in this Court on earlier occasion, he does not appear before this Court today on account of her unwillingness to continue her relationship with him and this itself shows his evil intention of developing illegal intimacy with another person's wife.

9. The Intervenor / husband of the lady, who is present before this Court is ready to take his wife back and children provided she discontinues all her relationship with the petitioner and leads her life with him loyally in future. He would further submit that the petitioner has already cheated two other women, apart from his wife, which fact is reiterated by the wife of this petitioner, who was present in this Court.

10. In the presence of my Personal Assistant, I had conversation with two children in my Chambers, who, though minors, are aware of the implications caused on account of their mother's attitude and that they wanted their parents' reunion for betterment of their life. They further stated that if their mother repeats such

demeanor in future, they will certainly go with their father.

11. A good woman does not want a Superman, because she knows that he does not exist. She only wants a good man, who can bring loyalty, stability and consistency to her life. Though she has got such a good husband, owing to her pernicious attitude, she would have lost his companionship, leaving her children at lurch.

12. So far as this petitioner is concerned, though this Court is not inclined to grant anticipatory bail to this petitioner, because letting him off will be hazardous to the society, especially to married women, considering the fact that the Intervenor's wife has stated that she has voluntarily gone with him and he has not abducted her, this Court has no other option, but to grant anticipatory bail to the petitioner.

13. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Theni, subject to the following conditions:**

(i) **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 Magistrate concerned;

(ii) **the petitioner shall stay at Trichy and report before the Contonment Police Station daily at 10.30 a.m. until further orders and as and when required before the respondent police and concerned jurisdictional Court for interrogation;**

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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/-

14/11/2016

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Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE
THENI
- 2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE
THENI POLICE STATION, THENI DISTRICT
- 4 THE OFFICER-IN-CHARGE,
CONTONMENT POLICE STATION, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MURGESANPANDIAN Advocate SR.No.68660

+1 CC to Mr.S.M.MOHAN GANDHI, Advocate, SR No.68885

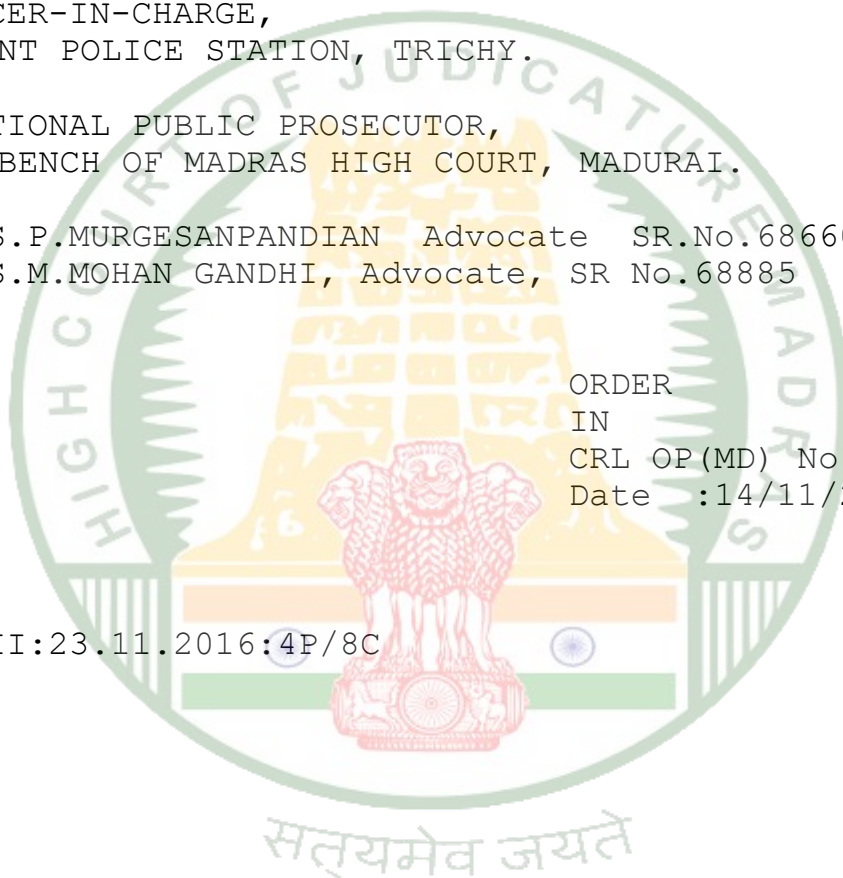
ORDER
IN

CRL OP(MD) No.21259 of 2016

Date :14/11/2016

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