



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

Wednesday, the Thirteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11980 of 2017

1 PALANISAMY
2 SADAYAMMAL
3 K.ARUMUGAM
4 A.SHANTHI

... PETITIONERS / ACCUSED NO.1 to 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KARUR,
CR NO.10/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.GOKUL RAJ Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

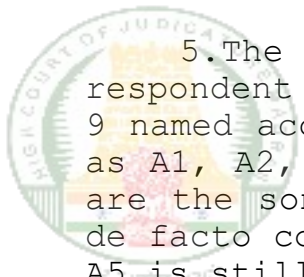
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 494 and 506(ii) of IPC in Crime No.10 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that as the second marriage, A1 married A5 when the first wife, who is the de facto complainant, is alive and demanded divorce from her and thereby, threatened her with dire consequences. A2 to A4 are said to have assisted A1 to get divorce from the de facto complainant.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the allegations against the petitioners are totally false and in fact, after marrying the de facto complainant, she had insisted the 1st petitioner to settle some of the property in favour of her.

4.The learned counsel for the petitioner further submitted that on 02.06.2017, the de facto complainant along with others have entered into the house of the petitioners 1 & 2 and attacked with deadly weapons and the father of the de facto complainant and their relatives have attacked the 1st petitioner and also his Advocate and that they were admitted in a hospital, therefore, 1st petitioner lodged a complaint before Karur Town Police Station. He further contents that the petitioners are no way connected with the alleged occurrence as alleged by the prosecution.



5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 9 named accused in this case and the petitioners herein are arrayed as A1, A2, A4 & A3 respectively. He further submitted that A1 & A3 are the son and daughter of A2 and A4 is the husband of A3 and the de facto complainant is the first wife of A1. He also contents that A5 is still absconding and the investigation is still pending.

6.Considering the facts and circumstances of the case, 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 their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Karur 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 2nd petitioner shall report before the respondent Police as and when required and other petitioners shall report before the respondent Police for a period of three weeks 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/-

13/09/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KARUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARUR.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.GOKUL RAJ Advocate SR.No.30626

ORDER IN

CRL OP(MD) No.11980 of 2017

Date :13/09/2017