



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

Tuesday, the Fifth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16493 of 2017 and CRL OP(MD) No.16474 of 2017

BALAMURUGAN

... PETITIONER/ACCUSED No.2
in CRL OP(MD) No.16493 of 2017

RAJALAKSHMI

... PETITIONER/ACCUSED No.1
in CRL OP(MD) No.16474 of 2017

Vs

STATED REPRESENTED BY
THE INSPECTOR OF POLICE,
TIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT,
Crime No.489 of 2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.ALAGURAJA, Advocate
in CRL OP(MD) No.16493 of 2017
: Mr.G.KARUPPASAMY PANDIAN
in CRL OP(MD) No.16474 of 2017

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)
in both Crl.OPs.

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 506(i) and 500 of I.P.C., in Crime No.489 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that one Rajalakshmi/Accused No.1 had illegal intimacy with one Balamurugan/Accused No.2. Rajalakshmi suspects that the defacto complainant has helped Balamurugan's wife Chithrai Selvi, thereby, Rajalakshmi sent whatsapp messages to the defacto complainant stating that if he helped Balamurugan's wife, she will kill him as "கொல்லாமல் விடமாட்டோம்." Aggrieved over the same, the defacto complainant filed a complaint against the said Rajalakshmi/petitioner in Crl.O.P.(MD).No.16474 of 2017 and Balamurugan/petitioner in Crl.O.P.(MD).No.16493 of 2017.



3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and the said Rajalakshmi/petitioner in CrI.O.P.(MD).No.16474 of 2017 did not sent any threatening messages to the defacto complainant. Further there is no allegation against Balamurugan/petitioner in CrI.O.P.(MD).No.16493 of 2017 and the case launched by the prosecution is a false one.

4.The learned counsel appearing for the defacto complainant/intervenor would submit that the petitioner/Rajalakshmi in CrI.O.P.(MD).No.16474 of 2017 sent threatening messages to the defacto complainant as if she will sent a complaint to Income Tax Department Officials and she will kill him if he continues to help Chithirai Selvi, Balamurugan's wife. However, the learned counsel fairly conceded that there is no allegation against Balamurugan/petitioner in CrI.O.P.(MD).No.16493 of 2017.

5.The learned Government Advocate (Criminal side) would submit that the investigation is in initial stage. However he has not made any allegation against Balamurugan.

6.Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (CrI.Side), I am inclined to grant anticipatory bail to Balamurugan/petitioner in CrI.O.P.(MD).No.16493 of 2017 with certain conditions.

7.Accordingly, the Balamurugan/petitioner in CrI.O.P.(MD).No.16493 of 2017 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of four weeks before the respondent Police;

(ii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

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



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

(v) the petitioner shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

8. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.side), I am not inclined to grant anticipatory bail to Rajalakshmi/petitioner in Crl.O.P.(MD).No.16474 of 2017. Accordingly, this Anticipatory bail petition in Crl.O.P.(MD).No.16474 of 2017 is dismissed.

sd/-
05/12/2017

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

TO

1 THE JUDICIAL MAGISTRATE
MANAMADURAI

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
TIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT

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

+1 CC to Mr.M.ALAGURAJA, Advocate SR.No.35648

+1 CC to Mr.S.BHARATHY KANNAN, Advocate SR.No.35611

ORDER IN
CRL OP(MD) No.16493 of 2017 and
CRL OP(MD) No.16474 of 2017
Date :05/12/2017