



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

Monday, the Eleventh day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17019 of 2017

1 INIYAKUMAR

2 VIJAYAKANTHI @ VIJAYA

... PETITIONERS/ACCUSED No.1&4

Vs

STATE REP. BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

RAMANATHAPURAM DISTRICT,

IN CRIME NO. 12 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.MURUGAN Advocate

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

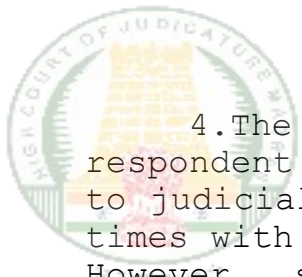
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506(ii) of I.P.C and 4 of Women Harassment Act, in Crime No.12 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the first petitioner's wife made a complaint against these petitioners as if the first petitioner had illegal intimacy with the second petitioner. The first petitioner did not take care of her family and entire income earned by the first petitioner was given to the second petitioner, thereby, the defacto complainant suffered monetarily and not able to maintain her children. Aggrieved by the same, the defacto complainant filed a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that the first petitioner was already arrested and remanded to judicial custody. Hence, he seek permission to withdraw the anticipatory bail as against the first petitioner/accused. He further submitted that the second petitioner did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that first petitioner was arrested and remanded to judicial custody. Already the second petitioner has married two times with other persons, even the third marriage was also disputed. However, she had illegal intimacy with the first petitioner, thereby, the defacto complainant filed a complaint before the respondent police. He further requested this Court imposing stringent condition as against the second petitioner.

5. Since, the first petitioner was arrested and remanded to judicial custody, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence this petition is dismissed as against the first petitioner.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the second petitioner/A4 with certain conditions. Accordingly, the petitioner 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 No.I, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 second petitioner/A4 shall report before the All Women Police Station, daily twice, Morning 10.30 a.m., and Evening 5.30 p.m., until further orders ;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioner shall not commit any offence while on bail;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not abscond either during investigation or trial;
- vi) 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 and the bail granted stands cancelled automatically.

sd/-
11/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.1
RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.R.MURUGAN Advocate SR.No.36044

ORDER

IN

CRL OP(MD) No.17019 of 2017

Date :11/12/2017

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SH/CM/SAR-1:15.12.2017:2P/6C