



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

Friday, the Thirtieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.8115 of 2017

1 S.K.VENKATACHALAM
2 K.KASI CHETIAR
3 K.MENAKA AACHI

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPATHUR, SIVAGANGAI DISTRICT
CRIME NO. 03/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SENTHILNATHAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

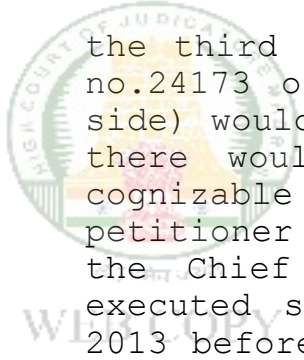
ORDER : The Court Made the following order :-

The petitioners, who are Accused Nos.1 to 3 in Crime No.3 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 498(A), 406 and 506(i) of IPC, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

3.It is submitted by the learned counsel for the petitioner that when the first anticipatory bail application in CrI.O.P.(MD) No.11489 of 2013 was filed, it was represented before this Court that petition enquiry was pending and based on that, this Court, directed the petitioners to appear before the police daily at 10.30 a.m. until further orders and to participate in the enquiry and after enquiry, the police was directed to complete the enquiry, within a period of eight weeks and during the enquiry, the petitioners shall not be arrested.

4.It is also submitted by the learned counsel for the petitioner that again, in 2013, the first petitioner has filed CrI.O.P.(MD) No.18741 of 2013 before this Court, where the learned Government Advocate (criminal side) submitted that the complaint given by one Vasantha Meenakshi was enquired and closed and recording the same, this Court closed the said petition. Further,



the third application was filed by the petitioners in Crl.O.P.(MD) no.24173 of 2014, where the learned Government Advocate (criminal side) would submit that petition enquiry was pending and on enquiry, there would be a possibility of registration of the case for cognizable of the offence and on consideration of the fact, the petitioner was enlarged on anticipatory bail and surrendered before the Chief Metropolitan Magistrate's Court, Egmore, Chennai and executed sureties. Thereafter, the husband filed O.P.No.2038 of 2013 before the Family Court at Chennai for restitution of conjugal rights. Now, the defacto complainant has filed the present complaint and the police has also registered the case against the petitioners.

5.Considering the facts and circumstances of the case, in my opinion, it is a clear case of abuse of process of law. Therefore, I am inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruppathur and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two common sureties to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when necessary. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
30/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPATHUR, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.SENTHILNATHAN Advocate SR.No.25581

ORDER

IN

CRL OP (MD) No.8115 of 2017

Date : 30/06/2017