



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1423 of 2018

1 KATHIRAVAN
2 CHERMAKANI
3 MUTHULAKSHMI
4 GUNASELVAM
5 SIVABHARVATHI

... PETITIONERS / ACCUSED NO.1 TO 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAICKUNDAM,
THOOTHUKUDI DISTRICT.
IN CR.NO. 1/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.PRABU Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

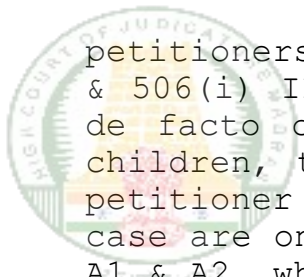
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 498(A) & 506(i) IPC in Crime No.1 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 26.03.2012, the first petitioner married the de facto complainant and out of their wedlock, they were blessed with two male children. Thereafter, the first petitioner had illegal contact with the second petitioner and when the same was questioned by the de facto complainant, all the accused have abused the de facto complainant in filthy language and also threatened her.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the



petitioners for the offence punishable under Sections 294(b), 498(A) & 506(i) IPC. It is alleged that the first petitioner married the de facto complainant in the year 2012. After gave birth to two children, the first petitioner had illegal intimacy with the second petitioner and committed this offence. The other petitioner in this case are only in-laws. Accordingly, the allegation only against the A1 & A2, who is the first and second petitioner in this application.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail only to the third, fourth and fifth petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, on condition that each of the petitioners 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) 3 to 5th petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) 3 to 5th petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) 3 to 5th petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to 3 to 5th petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against 3 to 5th petitioners in accordance with law as if the conditions have been imposed and 3 to 5th 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].

7. Considering the nature of offence committed by the first and second petitioners, this Court is not inclined to grant anticipatory bail to the first and second petitioners. Accordingly, this Criminal Original petition is dismissed in respect of the petitioners 1 and 2.

sd/-
30/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No.1648

ORDER

IN

CRL OP (MD) No.1423 of 2018

Date : 30/01/2018

MKV-CM-VR-SAR 4/1.2.2018/3P-6C