



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

Tuesday, the Sixth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1809 of 2018

1 KANIMOZHI

2 RAMALAKSHMI

... PETITIONERS/ ACCUSED NO. 5 & 6

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,

THIRUMANGALAM, MADURAI DISTRICT.

CRIME NO.16/2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.PR BOOMEE RAJAN, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

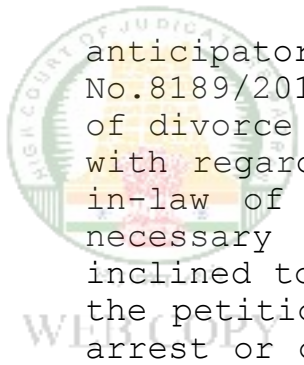
The petitioners/A5 & A6, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498 (A), 294(b) and 494 of IPC, and Section 4 of Women Harassment Act, in Crime No.16 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the respondent police registered a case against six persons among which the petitioners herein are arrayed as A5 and A6. The defacto complainant is the first wife of the first accused. Their marriage was solemnized on 16.09.2015. Subsequently, in order to dissolve the marriage, HMOP.No.350 of 2016 is filed before the Sub Court, Thirumangalam. In the meantime, the very same first accused married the first petitioner herein. Further more, the first petitioner is nothing but the daughter of the second petitioner herein. Thereby, the defacto complainant lodged a complaint against her husband after including these petitioners as accused persons. Hence, the case has been registered against the petitioners.

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 did not commit any offence as alleged by the prosecution. Further, A1 filed a HMOP for the relief of divorce and A1 to A4 in this case had already granted anticipatory bail by this Court. Hence, he pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the investigation is in progress.

https://hcservices.courts.gov.in/hcservices/missions made by the learned counsel on either side are considered. The petitioners herein are arrayed as 5th and 6th accused in the alleged occurrence. Already A1 to A4 in this case got



anticipatory bail as per the orders passed in CrI.O.P.(MD). No.8189/2017 by this Court. More over, an application for the relief of divorce is pending before the Sub Court, Thirumangalam. However, with regard to these petitioners, being the second wife and mother-in-law of the first accused, custodial interrogation may not be necessary for completing the investigation. Hence, this Court is 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 fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 petitioner released on bail by the 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/-

06/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THIRUMANGALAM, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PR BOOMEERAJAN Advocate SR.No.2004

ORDER IN

CRL OP(MD) No.1809 of 2018

Date :06/02/2018