



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

Friday, the Ninth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2047 of 2018

1 TAMIL KODI
2 RAJENDRAN
3 MARIAMMAL

... PETITIONERS/ACCUSED NOS. 2 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
IN CRIME NO.3/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.VELLAICHAMY, 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 :-

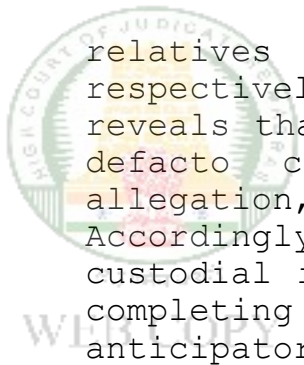
The petitioners/A-2 to A-4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 376 and 506(ii) I.P.C., in Crime No.3 of 2018, seek anticipatory bail.

2.The case of the prosecution is that even after the marriage of first petitioner, he fell in love with defacto complainant, due to which the petitioners, who are the wife, father and mother of the first petitioner went to the defacto complainant house and scolded the defacto complainant by using filthy language. Hence, case has been registered against these petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. They have not committed any offence as alleged by the prosecution. Further added that, they are no way connected with the alleged occurrence. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending in this case.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the first petitioner who is not a petitioner in this case, fell in love with the defacto complainant and the same was continued till for lodging of complaint. The petitioners are



relatives to the first petitioner as wife, father and mother respectively. On go through the averments made in the F.I.R, it reveals that during the time of offence, the petitioners abused the defacto complainant by using filthy language. Except those allegation, no allegation is leveled against the petitioners. Accordingly, considering the offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the 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, Thirumangalam, 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 10.00 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 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].

sd/-

09/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
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.S.VELLAICHAMY Advocate SR.No.2330

ORDER IN

CRL OP(MD) No.2047 of 2018

Date :09/02/2018