



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3431 of 2018

1 RAM PRAKASH  
2 MALLIKA

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
THANJAVUR DISTRICT  
(CRIME NO. 8/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.THIRUVADI KUMAR Advocate

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

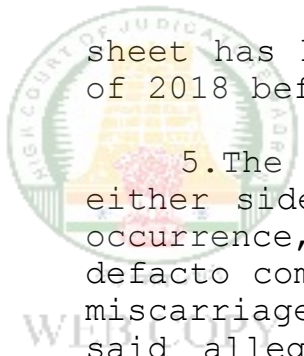
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498-A, 312 r/w Section 109 I.P.C., in Crime No.8 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 20.04.2016. Thereafter, the first petitioner had promised to take the defacto complainant to the matrimonial home at Kumbakonam and during the said time, the defacto complainant had also become pregnant. In this circumstances, when the defacto complainant had visited the house of the second petitioner, who is the mother-in-law of the defacto complaint, at that time, the second petitioner had given a cool drink resulting in miscarriage. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.



sheet has been filed and the same was taken on file as P.R.C.No.03 of 2018 before the concerned Magistrate Court.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the second petitioner herein gave a cool drink to the defacto complainant after mixing poison materials, due to which, the miscarriage was happened to the defacto complainant, further the said alleged occurrence was happened on 22.02.2017, the defacto complainant lodged a complaint before the police only on 18.08.2017. More over, as of now, after completing investigation, a final report has been filed before the concerned Magistrate Court and the same was taken on file as P.R.C.No.03 of 2018. So, considering the stage of the case, question of custodial interrogation does not arise, hence, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.I, Kumbakonam, 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 concerned Court daily at 10.00 a.m until further orders.

(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/-  
06/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,  
KUMBAKONAM, THANJAVUR DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT  
KUMBAKONAM

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

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.3566

MSA

JAM/14/03/2018/ CM-VR / SAR 3 / 3P-6C

ORDER

IN

CRL OP (MD) No.3431 of 2018

Date :06/03/2018