



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21726 of 2018

1 RAJESWARI @ RAJA RAJESWARI

2 G.MARIAPPAN

3 G.NAGENDRAN

... PETITIONERS NO.1 TO 3/
ACCUSED NOS.2,4 AND 6

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT.
CRIME NO.40/2015

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.OM PRAKASH Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(i) of IPC, in Crime No.40 of 2015, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the mother and brother of the first accused. The defacto complainant and the first petitioner's son Balaji had married in the year 2014. Thereafter in the year 2015 this First Information Report has been registered and the petitioners had approached the learned Principal District Judge, Madurai for anticipatory bail and the said District Judge in Cr.M.P.No.3650 of 2015, dated 30.04.2015 granted anticipatory bail to the petitioners, in the meanwhile it is reported that both of them are living together. Hence the case was not perused thereafter. Thereafter there was a mis understanding between both of them. Hence they approached this Court in CrI.O.P (MD)No.8743 of 2017 and this Court granted anticipatory bail to the petitioners. Thereafter the defacto complainant had promised that she will withdraw the complaint preferred against the petitioners . Now during November 2018, the first petitioner's son moved out from the defacto complainant and has started living separately. Final



report has been filed in Cr.No.40 of 2015 on 25.06.2016. The respondent is taking steps through lower court to get the petitioner's arrested in this circumstances this petition is filed.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that charge sheet has been filed in this case, but not yet taken on file and due to compromise between the defacto complainant and her husband, the case has been thereafter left as it is.

5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUB 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.V.OM PRAKASH Advocate SR.No. 23236

ORDER

IN

CRL OP (MD) No.21726 of 2018

Date :13/12/2018

JM/JC/SAR 1/20.12.2018/3P/6C