



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

Friday, the Seventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21699 of 2018

1 H. BABU
2 N. HARIRAM
3 H. KALAVATHI

... PETITIONERS/ ACCUSED Nos. 1 to 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY.
(CRIME NO. 1588 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.SARAVANAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

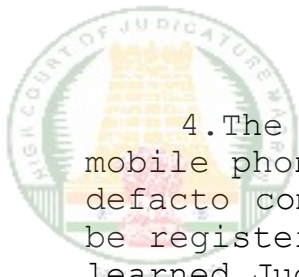
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 294(b), 506(ii) of IPC and Section 67 of Information Technology Act, 2000 in Crime No.1588 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are husband and wife and have two children. The second and third petitioners are father-in-law and mother-in-law of the defacto complainant. There was some misunderstanding between the first petitioner and the defacto complainant, due to the friendship of defacto complainant with someone. Later, the defacto complainant went to her parents home. Some serious allegations were made against the first petitioner and there is no proof for the same for the present, since it is submitted that the disputed mobile phone was destroyed.

3.The learned counsel for the petitioners submitted that the petitioners are innocent, they were falsely implicated in this case.



4.The learned Government Advocate submitted that the disputed mobile phone was destroyed by both the parents of petitioner and the defacto complainant. Further, the First Information Report came to be registered on the directions under Section 156(3) Cr.P.C., by the learned Judicial Magistrate No.II, Madurai.

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5.Taking note of the facts and circumstances, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, 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 learned Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and as and when required for interrogation.

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

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO II
MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY.

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

+1. CC to MR.P.SARAVANAN Advocate SR.No. 22896

ORDER
IN
CRL OP(MD) No.21699 of 2018
Date :07/12/2018

MSI/AC/SAR-II/10.12.2018-3P/6C