



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.18060 of 2017

1 PRAKASH,
2 AMARAVATHI
3 PRABHU

... PETITIONERS/ACCUSED No.1 to 3

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT,
CRIME NO.16/2017

...RESPONDENT No.1/COMPLAINANT

2 KANIMOZHI

... RESPONDENT No.1/
DEFACTO COMPLAINANT

For Petitioners : M/S.R.ALAGUMANI Advocate

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

MR.G.GOMATHI SANKAR, Advocate for R2

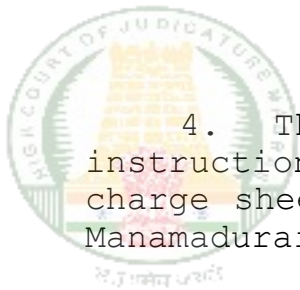
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/ accused Nos.1 to 3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 406 of IPC., in Crime No.16 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 09.12.2013 as per Hindu rites and customs and out of the wedlock, they are blessed with one male child. On 16.01.2017, the first petitioner assaulted the defacto complainant and gave a life threat to her. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offence. He further submitted that the alleged occurrence is said to have happened on 16.01.2017 and on the said date, the first petitioner was attending his training at Ooty. Hence, the defacto complainant lodged the false complaint against the first petitioner and other accused. Hence he pleads for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) on instructions, would submit that after completion of investigation, charge sheet has been filed before the learned Judicial Magistrate, Manamadurai and the same is yet to be taken on file.

5. The submissions made by the learned counsel appearing on either side are considered. Earlier, this Court has granted interim anticipatory bail to the petitioners on 28.12.2017. As of now, after completing the investigation, charge sheet has been filed before the learned Judicial Magistrate, Manamadurai and the same was not yet taken on file. So, custodial interrogation does not arise in this case. Therefore, considering the above facts and circumstances, this Court is inclined to make absolute the interim anticipatory bail already granted in favour of the petitioner. Accordingly, the interim anticipatory bail granted by this Court, on 28.12.2017 in CRL.O.P(MD)No.18060 of 2017 is **made absolute**.

6. However, on breach of any of the conditions already imposed, 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 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/-
24/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI
- 2 THE CHEIF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.G.GOMATHISANKAR Advocate SR.No.1245

ORDER
IN
CRL OP(MD) No.18060 of 2017
Date :24/01/2018