



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20567 of 2018

1 MUTHARASU
2 GANESAN
3 BHARATHIRAJA
4 LAKSHMI

... PETITIONERS / ACCUSED Nos.1 TO 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 95 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.GOKUL Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC., in Crime No.95 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are A-1 to A-4. The first petitioner had married defacto complainant's sister's daughter on 14.05.2018. Thereafter, the bride was taken by her parents and relatives, for which the first petitioner filed H.C.P.(MD).No.1288 of 2018. On 24.09.2018, the victim girl was produced before the Court and she refused to go with the first petitioner. Recording the same, the habeas corpus petition was closed. Thereafter, the first petitioner filed H.M.O.P.No.131 of 2018 before the Sub-Court, Ramanathapuram for restitution of conjugal rights. Due to which, the petitioner and defacto complainant's family were inimical to each other. In one such occasion, the petitioners are said to have attacked the defacto complainant's family members.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have nothing to do with the alleged crime. Hence, anticipatory bail may be granted to the petitioners.

4. The learned Government Advocate (Cr1.Side0 appearing for the respondent, on instructions, would submit that injured person has already been discharged from the hospital.

5. Considering the fact that the injured person has already been discharged from the hospital, 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, Rameswaram, on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 failed 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/-
19/11/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
RAMESWARAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
JETTY POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.K.GOKUL Advocate SR.No.21780

PS/JC/SAR-4/26/11/2018/3P/6C

ORDER

IN

CRL OP(MD) No.20567 of 2018

Date :19/11/2018