



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21335 of 2018

1 MUNIASAMY SARAVANAN
2 ANTONY AMMAL
3 KUMAR
4 MARIMUTHU SARAVANAN
5 KANI

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.394 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.NALLAMUTHU, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(ii) IPC & 379 (NH) and 4 of TNPHW Act, in Cr.No.394 of 2018 seek anticipatory bail.

2.It appears that the first petitioner is the husband of defacto complainant. The second petitioner is his own sister. The third petitioner is husband of the second petitioner. The fourth petitioner is brother of the first petitioner and the 5th petitioner is cousin brother of the first petitioner. The marriage between the first petitioner and defacto complainant had taken place on 14.12.2011. Out of their wedlock a male child was born on 25.07.2013. In the year 2016, the defacto complainant had filed a divorce petition against the first petitioner and had obtained an exparte divorce order on 09.08.2016. After obtaining divorce, the defacto complainant left the male child with the first petitioner who was taking care of their only child. Thereafter, on the intervention of the elders and the advice of the second petitioner,



in taking interest of the child, she had joined with the first petitioner on 01.06.2018. Within a month, on 01.07.2018, she had left the matrimonial home due to some difference of opinion.

3. The learned counsel for the petitioners submit that the defacto complainant is working in Saravana stores and had developed friendship with many persons which was against the wish of the first petitioner and the same was questioned by him. The defacto complainant wants to lead her own life without any obstacles. Therefore, she had given a complaint against the petitioners and also she sent the copies of the same to the Commissioner of Police and other officials. Initially, though this case was pending in C.S.R.No.147/2018, on the pressure given by the defacto complainant, the case in Crime No.394 of 2018 came to be registered. The learned counsel for the petitioners submit that the other petitioners are except being the relatives to the first petitioner, there is no averments as against them.

4. The learned Government Advocate (Crl. Side) would submit that there is no overtact attributed against the petitioners 2 to 5.

5. Taking into consideration the facts of the case, this Court inclined to grant anticipatory bail to the petitioners.

6. 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, Tirunelveli 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, 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/-
18/12/2018

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TIRUENLVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENLVELI DISTRICT.
3. THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.NALLAMUTHU Advocate SR.No.23623

ORDER
IN
CRL OP(MD) No.21335 of 2018
Date :18/12/2018

MS/PN-AC/SAR-4/24.12.2018/3P.6C