



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

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

**CRL OP(MD) Nos.2959 and 2712 of 2019**

1 SWAMINATHAN  
2 KUMAR

... PETITIONER No. 1 & 2 /  
ACCUSED No. 1 & 2  
IN CRL OP(MD) No. 2959 of 2019

1 PUSHPA  
2 CHITHRA

... PETITIONERS No. 1 & 2/  
ACCUSED No. 3 & 4  
IN CRL OP(MD) No. 2712 of 2019

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE  
KODALPUDUR POLICE STATION,  
MADURAI CITY,  
CRIME NO.104 of 2019

... RESPONDENT/ COMPLAINANT  
IN BOTH THE PETITIONS

For Petitioners : MR.M.PONARAVINDH Advocate  
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl. Side)  
IN BOTH THE PETITIONS

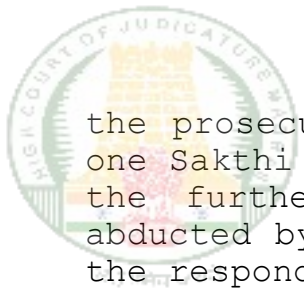
For Intervener : MR.S.POORNACHANDRAN, Advocate  
IN BOTH THE PETITIONS

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 alleged offence under Sections 147, 323, 365 and 427 of IPC in Cr.No.104 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The petitioners in Crl.O.P(MD) No.2959 of 2019 are brother-in-law and his friend and the petitioners in Crl.O.P(MD) No.272 of 2019 are the mother and wife of the defacto complainant. The case of



the prosecution is that the defacto complainant is the partner of one Sakthi Kannan, who is doing business in organic products. It is the further case of the prosecution that one Sakthikannan was abducted by his mother and wife, thereby lodged a complaint before the respondent police.

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3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. In fact Sakthi Kannan had developed illegal intimacy with one Suba Porkodi and he started living with her and thereby the same was questioned and thereafter the Sakthi Kannan was rescued and started to live happily with his mother and wife. Hence he prayed for anticipatory bail.

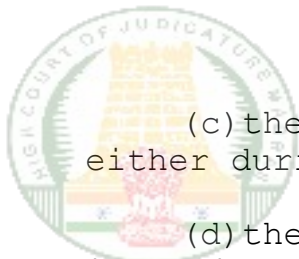
4. The learned counsel for the intervenor would submit that the defacto complainant is the partner of one Sakthi Kannan and Subaporkodi was a working partner of the Sakthi Kannan both were very much interested in their life and there was eminent threat from the family members for the Sakthikannan and he vehemently opposed for grant of anticipatory bail.

5. Today the Inspector of Police appeared before the Court and after due verification it was found that the said Sakthi Kannan was living happily with his family members and the same was recorded. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that injured has been discharged from the hospital.

6. Considering the facts and circumstances and considering the fact that the allegation is in respect of the family members and that the said Sakthi Kannan was living happily with his mother and wife, 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. 4, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1 and 2 in CrI.O.P (MD) No. 2959 of 2019 shall report before the respondent police daily at 10.30 a.m., until



(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
26/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO IV,  
MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
MADURAI
- 3 THE INSPECTOR OF POLICE  
KOODALPUDUR POLICE STATION,  
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.M.PONARAVINDH Advocate SR.No.3908

ORDER  
IN  
CRL OP(MD) Nos.2959 AND  
2712 of 2019  
Date :26/02/2019