



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

Thursday, the Eleventh day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.5202 & 5203 of 2019

A.PAVULINE ... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL OP(MD). 5202/ 2019

P.SELVARAJ ... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL OP(MD). 5203/ 2019

- Vs. -

STATE REP. BY
THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.50/2019)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : MR.A.SUNDARARAJAN, Advocate
IN CRL OP(MD). 5202/ 2019

: MR.C.M.ARUMUGAM, Advocate
IN CRL OP(MD). 5203/ 2019

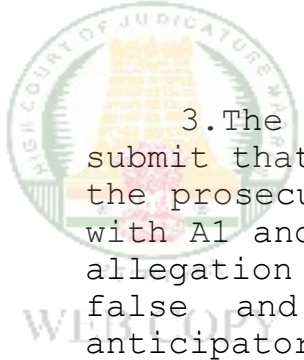
For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(i) of IPC in Cr.No.50 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that A1 is the retired Sub Inspector of Police. There was a dispute between the defacto complainant and A1 who is the husband of the defacto complainant. The defacto complainant alleged that A1 is having illegal intimacy with A2, for which, both of them jointly assaulted her, thereby, she sustained injury. Hence the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that two children are living with A1 and the petitioner/A1 is taking care of his children and the allegation with regard to A1 had love affair with A2 is absolutely false and the same is denied. Accordingly, he prays for anticipatory bail.

4.The learned counsel appearing for A2 submitted that the allegation levelled against the petitioner/A2 is false and she is also a married women and having one male child.

5.The learned Additional Public Prosecutor appearing for the respondents submitted that investigation is pending.

6.Considering the facts and circumstances of the case and considering the fact that the children are living with the petitioner/A1, 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, Karaikudi, Sivagangai District, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner/A1 shall report before the respondent police daily at 10.30 a.m., until further orders and A2 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 petitioner 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**



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

sd/-

11/04/2019

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

TO

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

+1. CC to M/S.A.SUNDARRARAHAN Advocate SR.No.6664
+1. C.C. to M/S.C.M.ARUMUGAM Advocate SR.No. 6663

ORDER

IN

CRL OP(MD) Nos.5202 & 5203 of 2019

Date :11/04/2019

JM/JC/SAR 2/24.04.2019/3P/7C