



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) Nos.6084 & 6687of 2019

K.CHINNADURAI @ KUPPUSAMY

... PETITIONER / ACCUSED - 1
IN CRL OP(MD). 6084/ 2019

1 K.CHINNATHAI
2 SELVAKUMAR
3 CHITHRA
4 A.RAMASAMY
5 LAKSHMI

... PETITIONER/ACCUSED 4-8
IN CRL OP(MD). 6687/ 2019

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ODDANCHATRAM,
DINDIGUL DISTRICT.
(CRIME NO.07 OF 2019)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : MR.S.R.SURESHKUMAR Advocate
IN BOTH THE PETITIONS

For Respondent : MR.A.ROBINSON, 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/accused No.1, 4 to 8, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(1),(n) r/w. 6 of POSCO Act 2012 and 16 and 17 of POSCO Act, 2002 in Crime No.7 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.S.R.Suresh Kumar, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the accused no.1 is infected with HIV. By suppressing the same,he cheated and married the de facto complainant. Hence, the complaint.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not commit



any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to these petitioners.

5. The learned Government Advocate (Crl Side) appearing for the respondent on instructions submitted that the accused nos. 4 to 8 who are the relatives of the accused no. 1, are said to have only participated the marriage. He has no objection for granting anticipatory bail to the accused nos. 4 to 8. However he vehemently opposed to grant anticipatory bail to the accused no. 1.

6. Taking into consideration of the facts and circumstances of the case and also considering the gravity of offence levelled against the petitioner in Crl.O.P.(MD)No.6084 of 2019, this Court is not inclined to grant anticipatory bail to the petitioner in Crl.O.P.(MD)No.6084 of 2019. Hence, Crl.O.P.(MD)No.6084 of 2019 is dismissed.

7. Taking into consideration of the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl Side), this Court is inclined to grant anticipatory bail to the petitioner in Crl.O.P.(MD)No.6687 of 2019 in subject to the following conditions.

7. Accordingly, the petitioners/accused nos. 4 to 8 are ordered to be released on bail on executing a bond in the event of arrest or on their appearance, for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of Mahila Fast Track Court, Dindigul and on further conditions that:-

[a] the petitioners/accused nos. 4 to 8 as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners/accused nos. 4 to 8 shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioners/accused nos. 4 to 8 shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners/accused nos. 4 to 8 shall co-operate for the investigation and the trial. The petitioners/accused nos. 4 to 8 shall not abscond either during investigation or trial and in event of the petitioners/accused nos. 4 to 8 absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners/accused nos. 4 to 8, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

15/05/2019

/ TRUE COPY /



TO

1 THE JUDGE,
MAHILA FAST TRACK COURT,
DINDIGUL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ODDANCHATRAM, DINDIGUL DISTRICT.

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

+1. CC to M/S.S.R.SURESHKUMAR Advocate SR.No. 8476

ORDER

IN

CRL OP(MD) Nos.6084 & 6687 of 2019

Date :15/05/2019

JM/JC/SAR 3/22.05.2019/3P/5C