



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

Date : 10/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.9347 of 2019

1. Ramesh
2. Rakkupitchai
3. Chinnamma

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Rameswaram Temple Police Station,
Ramanathapuram District.
(Crime No.22 of 2019).

... Respondent/Complainant

Muthubhagavathy

... Petitioner/ Intervener/
Defacto Complainant

For Petitioners : M/s.S.Muniyandi, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervener : Mr.S.Madhavan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 307 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even in the First Information Report, the defacto complainant had admitted that her husband is having illegal intimacy with one Krithika who is the wife of the first petitioner's brother and because of the said relationship the



petitioners 1 and 2 have attacked the defacto complainant's husband. He further submitted that the defacto complainant was already discharged from the hospital, but subsequently due to his influence he was re-admitted in the same hospital and therefore he prayed to grant anticipatory bail to the petitioners.

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4. The learned counsel for the intervenor opposed to grant anticipatory bail to the petitioners on the ground that the injured is still taking treatment.

5. The learned Additional Public Prosecutor adopted the arguments advanced by the learned counsel for the defacto complainant/intervenor.

6. Taking into consideration the submissions made by the learned counsel for the intervenor, that the injured is still taking treatment as inpatient, this Court is not inclined to grant anticipatory bail to the petitioners 1 and 2 and insofar as the third petitioner is concerned, it is stated in the First Information Report that she only shouted that the injured should not be left and also kill him. Except this allegation no other allegation has been made against her. Hence this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions.

[7] Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, Ramanathapuram District on condition that the petitioners shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

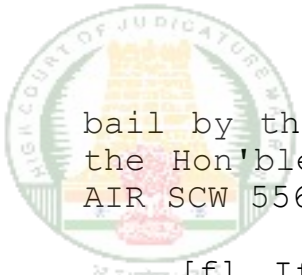
[a] if the third petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the third petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the third petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the third petitioner 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 third petitioner in accordance with law as if the conditions have been imposed and the third petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. As regards the first and second petitioner, since there are allegations against them, this petition is dismissed.

sd/-
10/07/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.11524

ORDER
IN
CRL OP(MD) No.9347 of 2019
Date :10/07/2019

MS/VR/SAR-3/18.07.2019/3P.6C