



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

Tuesday, the Fifth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.22057 of 2018

1 R.KULANTHAIVEL
2 RAJALINGAM

... PETITIONERS/ ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.
CRIME NO.5 OF 2018

... RESPONDENT / COMPLAINANT

MARIYAYEE

... INTERVENING PETITIONER/
DEFACTO COMPLAINANT

For Petitioners: Mr.JEGADEESAPANDIAN, Advocate for
Mr.K.SIVABALAN, Advocate

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

For Intervenor : Mr.B.SANTHANAM RAJESHKUMAR, Advocate

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 420, 495 and 506(ii) IPC in Crime No.5 of 2018 on the file the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the by suppressing the earlier marriage of the first petitioner, the defacto complainant was married to the first petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution. The first petitioner is visually challenged and he is working as Music Teacher at Chennai. The second petitioner is the father of the first petitioner. He would further submit that he did



not marry the defacto complainant and only in order to prevent the first petitioner from receiving pensionary benefits and other benefits from the Government and also to extract money from him, a false case has been foisted against him.

4.The learned counsel for the intervenor would submit that in the year 2010 the marriage between the first petitioner and the defacto complainant was solemnized by suppressing the earlier marriage of the first petitioner. They blessed with two children. From the date of their marriage the first petitioner has not taken any care. Hence, the the defacto complainant has lodged a complaint before the respondent police.

5.The learned Government Advocate (Crl.Side) would submit that the investigation is still pending.

6.Considering the facts and circumstances of the case and the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Court, Kulithalai, Karur 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, 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]**; and;



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

sd/-

05/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE, KULITHALAI,
KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.SIVABALAN Advocate SR.No.2509

ORDER

IN

CRL OP (MD) No.22057 of 2018

Date : 05/02/2019

MS/PN/SAR-1/19.02.2019/3P.6C