



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.9806 of 2019

1. P.Caleb @ Kannan

2. P.Danalakshmi

3. P.Shanthi ... Petitioners/Accused Nos. 1 to 3

Vs

The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
(in Crime No. 4 / 2019). ... Respondent/Complainant

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

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

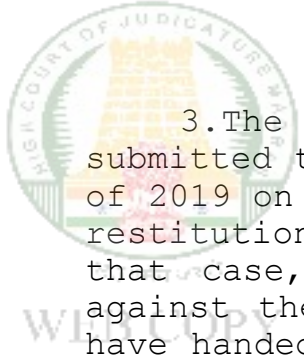
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 4 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 498(A)
and 406 of IPC and Section 4 of Tamil Nadu Women Harassment Act, in
Crime No.4 of 2019, seek anticipatory bail.



3.The learned counsel appearing for the petitioners has submitted that already the first petitioner has filed an IDOP.No.124 of 2019 on the file of the Family Court, Dindigul for the relief of restitution of conjugal rights and only after receipt of summons in that case, the defacto complainant has lodged a false complaint against the petitioners. He further submitted that the petitioners have handed over a sum of Rs.90,000/- being the value of the jewels to the defacto complainant and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has fairly conceded that the petitioners have paid a sum of Rs.90,000/- being the value of the jewels to the defacto complainant. However, she opposed this petition as investigation is pending.

5.Taking into consideration the fact that already the first petitioner has filed a petition for divorce and the same is pending and also the fact that the petitioners have paid a sum of Rs.90,000/- being the value of the jewels to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

6. 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.II, Srivilliputhur, Virudhunagar 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

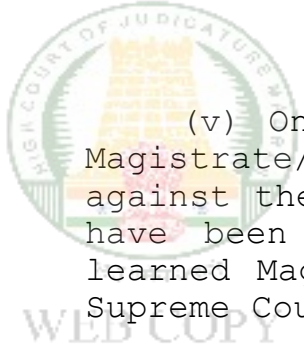
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

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



(v) 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].

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

Sd/-
24/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
 - 2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.12295

ORDER
IN
CRL OP(MD) No.9806 of 2019
Date :24/07/2019

ES/JC/SAR 4/26.07.2019/3P/6C