



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

Date : 02/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10687 of 2019

1.Kathiravan
2.Sagunthala
3.Karthik
4.Vanitha
5.Kannan
6.Shanthi
7.Muthammal

... Petitioners/Accused Nos.2 to 8

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,Theni District.
Crime No.16 of 2019

... Respondent/Complainant

For Petitioners: M/s.A.Karthik,
Advocate.

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

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

PRAYER :-

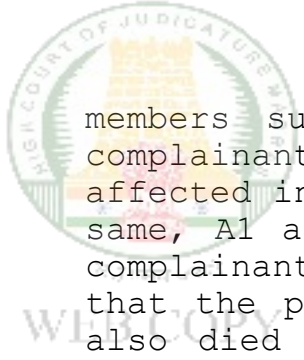
for anticipatory bail in Crime No.16 of 2019 on the file of the
respondent police

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 417,
406, 294 (b) and 506 (ii) of IPC, in Crime No.16 of 2019, seek
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that as per the FIR, on 19.01.2018, the defacto
complainant married A1. Thereafter, the defacto complainant came to
know that A1 is a HIV patient and he has taken a treatment from the
year 2015 in the Government Hospital, Kambam. A1 and his family



members suppressed the above said fact and married the defacto complainant with A1. Therefore, the defacto complainant also affected into HIV through A1. The defacto complainant questioned the same, A1 and his family members developed quarrel with the defacto complainant and criminally intimidated her. He further submitted that the petitioners did not aware about the disease of A1 and A1 also died on 18.05.2019 due to his disease. He further submitted that the defacto complainant and A1 were loved each other and hence, marriage was taken place between them, and therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) has submitted that A1 and his family members suppressed the facts that A1 is a HIV patient and he has taken a treatment in the Government Hospital, Kambam, from the year 2015 and got married the defacto complainant with A1. The defacto complainant questioned the same, they abused the filthy language against her and criminally intimidated her. Hence, she opposed this petition.

5.The petitioners are in-laws of the defacto complainant. The allegation against them is that after knowing the fact that A1 is a HIV patient, they have married the defacto complainant with A1. Though, it is stated that in the FIR, that the defacto complainant came to know that A1 has taken a treatment in the Government Hospital, Kambam, from the year 2015, the prosecution has not obtained any medical record from the said hospital. The main allegations are against A1 only and he also died.

6.Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are 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 The Judicial Magistrate, Uthamapalayam, 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/08/2019

/ TRUE COPY /

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

TO

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

+1. CC to Mr.A.KARTHIK Advocate SR.No.12814

ORDER
IN
CRL OP(MD) No.10687 of 2019
Date :02/08/2019

dss
TK/VR/SAR.1/06.08.2019/3P/6C