



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17929 of 2018

1 M. MICHAEL FRANKLIN
2 LEELA @ LEELA RATHINA BAI
3 F. AUGUSTIN

... PETITIONERS/ ACCUSED No. 1 to 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
(CRIME NO.39 OF 2018)

... RESPONDENT / COMPLAINANT

MANISELVAM

... PETITIONER/INTERVENER
IN CRL MP(MD) No. 8235 of 2018
IN CRL OP(MD) No. 17929 of 2018

For Petitioners : MR.R.ANAND Advocate

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

For Intervener : MR.K.R.LAXMAN, Advocate
IN CRL MP(MD) No. 8235 of 2018
IN CRL OP(MD) No. 17929 of 2018

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 offences under Sections 498 (A) and 406 IPC and Section 4 of Dowry Prohibition Act, 1961 in Cr.No.39 of 2018 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the marriage between the first petitioner and the defacto complainant was solemnized on 22.08.2013. <https://hcservices.ecourts.gov.in/hcservices/> Hereafter, in the Month of May 2018, the defacto complainant left the matrimonial home on the allegation that A1 had



illegal intimacy with another lady and when the same was questioned by the defacto complainant, the accused 1 to 3 assaulted and attacked the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. In fact, the first petitioner is ready to take care of the defacto complainant. However, on suspicious, the defacto complainant left the matrimonial home. Accordingly, the petitioners prayed for anticipatory bail and the learned counsel further contended that the petitioners are ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned counsel for the intervenor would submit that the first petitioner had illegal intimacy with another lady and when the same was questioned by the defacto complainant, the first petitioner along with his family members attacked the defacto complainant, for which, she admitted in the hospital. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured discharged from the hospital.

6.Considering the facts and circumstances of the case and the offences committed by the petitioners, insofar as the first petitioner is concerned, this Court is not inclined to grant anticipatory bail to him and hence, this criminal original petition is dismissed against the first petitioner. Insofar as the petitioners 2 and 3 are concerned, they 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.I, Nagercoil, Kanyakumari District, on condition that the petitioners 2 and 3 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 2 and 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 3 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 2 and 3 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
NAGERCOIL, KANIYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.R.ANAND Advocate SR.No.3016
+1. CC to MR.K.R.LAXMAN, Advocate SR.No.3137

ORDER
IN
CRL OP(MD) No.17929 of 2018
Date :12/02/2019

MSI/PN/SAR 2/04.03.2019/3P-7C