



WEB COPY

CRL OP (MD) . Nos.12066 & 10941 of 2019

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

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . Nos.12066 & 10941 of 2019

1. Kanagarathinam Thangammal
2. Esther Manonmani
3. Jayanthi Sebstin
4. Jebastin
5. Epsiba Mageswari
6. Jebajeevan

... Petitioners/Accused Nos.2 to 7
(in CRL OP (MD) . No.12066 of 2019)

D.Sri Ramakrishnan @ Christopher

... Petitioners/Accused Rank not known
(in CRL OP (MD.No.10941 of 2019)

Vs.

State rep.by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City,
Cr No. 30/2019.

... Respondent/Complainant
(in both petitions)

Merlin Selvarani

... Petitioner/Defacto Complainant
(in CRL MP (MD) No.7214/2019)

For Petitioners : M/s. D. Vijayaragavan, Advocate.
(in both petitions)

For Respondent : Ms.M.Anantha Devi,
Government Advocate (Crl.Side)
(in both petitions)

For Intervenor : M/s.T.R.Jeyapalam, Advocate.
(in CRL MP (MD) No.7214/2019 in
CRL OP (MD) .No.10941 of 2019)

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

PRAYER IN CRL OP (MD) . Nos.12066 & 10941 of 2019 :-

For Anticipatory bail in Crime No.30/2019 on the file of the
respondent police.

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



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 Section 406 of IPC, in Crime No.30 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that A1 is ready to return all the articles including the jewels.

4. But, the learned counsel for the Intervenor has submitted that since already the petitioner has filed IDOP to grant divorce on the ground of desertion, if the Intervenor received all the articles that may be taken as a defence by the petitioner/A1 in the IDOP that the Intervenor has deserted the petitioner and hence he requests to direct the petitioner to return the jewels alone.

5. Since, the petitioners have come forward to return all the articles, it is open to the Intervenor either to accept these articles or not. This Court cannot direct the petitioners to return jewels alone and retain other articles till the disposal of IDOP.

6. Taking into consideration of the fact that the 1st petitioner/A1 himself has voluntarily come forward to return all the articles, this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Madurai 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] considering the submission made by the learned counsel for the petitioners that the petitioner in Crl.OP(MD)No.10941 of 2019 is resident of Pattapiram, he is directed to report before the respondent Police, daily at 10.30 a.m for a period of three days and thereafter, as and when required for the interrogation and the petitioners in Crl.OP(MD)No.12066 of 2019 shall appear before the



respondent Police, daily at 10.30 a.m for a period of one week 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 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/-
30/08/2019

/ TRUE COPY /

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

TO

1.THE ADDITIONAL MAHILA JUDGE, MADURAI

2.THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI CITY,

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S. D. VIJAYARAGAVAN Advocate SR.Nos.14531,14532

+1. CC to M/S. T.R.JEYAPALAM, Advocate SR.Nos.14583

ORDER
IN
CRL OP (MD) . Nos.12066 & 10941 of 2019
Date :30/08/2019

DSS
PK/JC/SAR-3/18.09.2019 : 3P/7C