

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.12117 and 12120 of 2019

Jeyaprakash ... Petitioner/Accused No.4
in Crl.OP (MD) No.12117/2019

Samuel Moses ... Petitioner/Accused No.7
in Crl.OP (MD) No.12120/2019

Vs

The State of Tamilnadu
rep.through its,
The Inspector of Police,
All Women Police Station,
Thoothukudi.

Fir in Crime No. 25 of 2019. ... Respondent/Complainant
in both the petitions

For Petitioners : M/s.M.Viji, Advocate.
in Crl.OP (MD) No.12117/2019

M/s. P.M. Vishnuvarthanan, Advocate.
in Crl.OP (MD) No.12120/2019

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 25 of 2019 on the file of
the Respondent Police.

COMMON 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 294
(b), 494, 506 (ii) of IPC , in Crime No.25 of 2016, seek
anticipatory bail.

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

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners now settled at Bangalore. He further submitted that the petitioners are not having any bad antecedents and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that A1 is the husband of the defacto complainant, due to some matrimonial dispute, when A1 is working in Abroad suppressed the earlier marriage and got second marriage with one Gulzan Esther in the presence of family members and in the presence of A7/ petitioner in Crl.O.P.(MD)No.12120 of 2019, who is the Church Pastor. He further submitted that A4/petitioner in Crl.O.P.(MD)No.12117 of 2019 is the brother of A1 and hence, she strongly opposed the petition.

5.Taking into consideration of the submissions made by the learned counsel for the petitioners that the main allegations are against A1 that he married second marriage during subsistence of the first marriage with the defacto complainant. The fourth accused is the brother of A1 and the seventh accused is said to have performed the marriage in the Church and except the said allegations no other allegations have been made against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with 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.III, Thoothukudi, 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 days for interrogation 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.

(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/-
30/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to M/S .M. VIJI Advocate SR.No.14716
+1. CC to M/S .M. VISHNUVARTHANAN Advocate SR.No.14715

ORDER
IN
CRL OP (MD) No.12117 and
12120 of 2019
Date : 30/08/2019

LS
PK/JC/SAR-3/05.09.2019 : 3P/7C