



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13335 of 2017

1 P. RAMESHKUMAR,
2 THANGAMARI,
3 PANDARAM,
4 KALINGAMMAL,
5 P. SURESHKUMAR,
6 P. NIRESHKUMAR,
7 P. SENTHILKUMAR,
8 MARIAMMAL,
9 MARISELVAM,
10 GANESH,

... PETITIONERS / ACCUSED 1 TO 10

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT,
CR.NO.7 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.THALAIMUTHARASU Advocate

For Respondent : MR.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

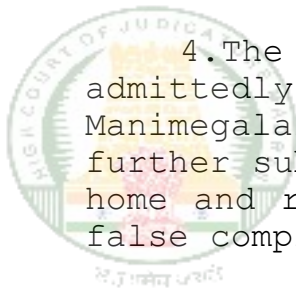
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused Nos.1 to 10, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 494 and 506(ii) IPC in Crime No.7 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

3.The case of the prosecution is that the first petitioner alleged to have committed second marriage and the other petitioners helped the first petitioner for conducting second marriage. Based on the complaint given by the petitioners, a case has been registered against the petitioners.



4.The learned counsel for the petitioners submitted that admittedly, the first petitioner married the defacto complainant-Manimegalai on 07.06.2012 and a female child was born. He would further submit that the defacto complainant has left the matrimonial home and residing with her parents and thereafter, she has given a false complaint against these petitioners.

5.The learned Additional Public Prosecutor submitted that investigation is yet to be completed and hence, he opposed for granting anticipatory bail.

6.Considering the facts and circumstances of the case and considering the gravity of offence said to have been committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court, Srivaikundam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) each with two sureties 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 first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation and the petitioners 2 to 10 shall report before the respondent Police as and when required for interrogation.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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)**.

sd/-
28/09/2017

/ TRUE COPY /

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



PS/MYR/SMI
TO

1 THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAİKUNDAM,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.31901

GJM/RR/BS/SAR-I-3.10.17-3P-6C

ORDER
IN
CRL OP(MD) No.13335 of 2017
Date :28/09/2017