



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

Thursday, the Eighth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3627 of 2018

1 SANGARESWARI
2 RAJASEKARAN

... Petitioners/Accused No.2 & 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI CITY.
IN CR.NO. 3/2018.

... Respondent/Complainant

For Petitioner : M/S.M.S.JEYAKARTHIK, Advocate

For Respondent : Mr.A.ROBINSON,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

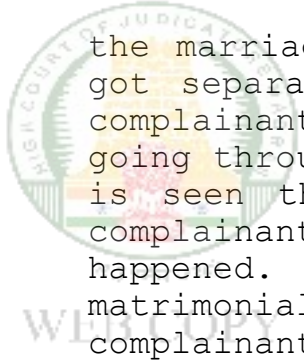
The petitioners, who are arrayed as accused nos.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406 and 506(ii) of IPC and Section 4 of TNPWH Act in Crime No.3 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, who are parents-in-laws of the defacto complainant are said to have threatened the defacto complainant with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that it is a matrimonial dispute and the investigation of the case is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioners are the parents-in-law of the defacto complainant. Now, the husband of the defacto complainant, who is arrayed as A1, is now in abroad. After



the marriage immediately, the defacto complainant and her husband got separated, thereby, the enmity was arose between the defacto complainant's family and the petitioners family. As of now, on going through the averments made in the First Information Report, it is seen that, during the time, when the parents of the defacto complainant attempted to settle the issue, the alleged offence was happened. Since the alleged offence was happened only due to the matrimonial dispute, considering the future life of the defacto complainant and also considering the verdict of the Hon'ble Supreme Court reported in 2014(8) Scale 250, in the case of Arnesh Kumar Vs. State of Bihar and another this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

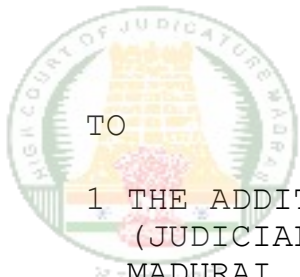
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court (Judicial Magistrate Level), Madurai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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:

- (i) the petitioners shall appear before the respondent Police daily 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-
08/03/2018

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



TO

1 THE ADDITIONAL MAHILA COURT
(JUDICIAL MAGISTRATE LEVEL),
MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.3741.

ORDER

IN

CRL OP (MD) No.3627 of 2018

Date :08/03/2018

SDS/MM-PN/SAR.4/16.03.2018/3P/5C