



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21902 of 2018

1. BOOMIRAJA

2 K. BALAKRISHNAN

3 VELLAIYAMMAL

4 VEERASINGAM

5 PANJU

... PETITIONER / ACCUSED Nos.1 to 5

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

C4.Y.OTHAKADAI POLICE STATION,

Y.OTHAKADAI, MADURAI DISTRICT.

(IN CRIME NO. 454 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.VADIVELAN Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/accused 1 to 5 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323 and 506(i) I.P.C and Section 4 of TNPHW Act, 2002 in Crime No.454 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is husband and other petitioners are in-law of the defacto complainant respectively. The allegation against the petitioners is that they assaulted the defacto complainant and threatened her with dire consequences by using filthy language.

3. The contention of the petitioners is that no such incident had taken place and the petitioners had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

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

4.The learned Government Advocate (Crl.Side) appearing for



the respondent would submit that it is a family dispute between the husband and wife.

5. Considering the above facts and circumstances of the case, 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 before the learned Judicial Magistrate, Melur and on their executing 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 learned Magistrate concerned and on further condition that

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police as and when required.

[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 petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, MELUR.

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

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3 THE INSPECTOR OF POLICE,
C4.Y.OTHAKADAI POLICE STATION,
Y.OTHAKADAI, MADURAI DISTRICT.

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

+1. CC to MR.T.VADIVELAN Advocate SR.No.23218

ORDER
IN
CRL OP (MD) No.21902 of 2018
Date :12/12/2018

AE/JC/SAR3/17.12.2018/3P/6C