



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21007 of 2018

1 ASHOKUMAR

2 OTCHU@OCHAPPAN

... PETITIONERS / ACCUSED 2 & 4

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.
(CRIM NO.7/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.J.SENTHIL KUMARAI AH Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Section 298(A), 406, 294(b), 506(i) of IPC and Section 4 of TNPHW Act 2002, in Cr.No.7 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner has bought gold jewels of the defacto complainant and pledged the same. When the defacto complainant demanded the 1st petitioner to return the jewels of her, the 1st petitioner along with other accused harassed the defacto complainant and attacked her. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have not committed any offence as alleged by the prosecution. The petitioners are the father-in-law and brother-in-law of the defacto complainant. The marriage was held between the defacto complainant and the A1 in the year 2004. After their marriage they have got separated. They two children out of their wedlock. The defacto complainant left the matrimonial home.

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

4.The learned Government Advocate (Crl. Side) submitted that



the first petitioner in this case has pledged the jewels of the defacto complainant for the treatment of her mother-in-law and the same are not been so far returned. It is also submitted that the first accused living with another woman.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail 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 Judicial Magistrate No.I, Usilampatti, 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 said Magistrate, on further condition that:

[a] if the petitioners fail 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, daily at 10.30 a.m. until further orders.

[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 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/-
27/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-I,
USILAMPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT .

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

+1. CC to M/S.J.SENTHIL KUMARAIAH Advocate SR.No.22267

PS/VR-MMS/SAR-3/03/12/2018/3P/6C

ORDER

IN

CRL OP(MD) No.21007 of 2018

Date :27/11/2018